six year period until the Congressional committees with jurisdiction over such programs conduct such reviews.

H.R. 979. January 4, 1977. Veterans' Affairs. Establishes a mortgage protection life insurance program for certain veterans unable to acquire commercial life insurance because of service-connected disabilities.

H.R. 980. January 4, 1977. Ways and Means. Amends the Internal Revneue Code to allow a limited income tax deduction for agency fees, court costs, attorney's fees and other necessary costs and fees incurred in the adoption of a child.

H.R. 981. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes. Amends the Public Health Service Act to establish a National Cancer Research Fund in the Treasury to be partially funded from the additional excise taxes collected under this Act.

H.R. 982. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 983. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction for donations of blood to charitable organizations in an amount equal to $25 for each pint donated.

H.R. 984. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 985. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to permit the payment of old-age insurance benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit.

H.R. 986. January 4, 1977. Education and Labor; Judiciary. Amends the Work Hours Act of 1962 and the Walsh-Healey Act to permit specified government contractors to compute wages on the basis of either a four-day workweek consisting of ten-hour workdays or a five-day workweek consisting of eight-hour workdays.

H.R. 987. January 4, 1977. Ways and Means. Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for hearing aids and dentures under the supplementary medical insurance program.

H.R. 988. January 4, 1977. Judiciary. Directs that orders of a State court or a court of the District of Columbia relative to the custody of children of divorced or separated parents be given full faith and credit by every other State and the District of Columbia until such issuing court no longer has under the law of the State in which it is located, or declines to exercise, jurisdiction over modifications of such orders.

H.R. 989. January 4, 1977. Judiciary. Directs that orders of a State court or a court of the District of Columbia relative to the custody of children of divorced or separated parents be given full faith and credit by every other State and the District of Columbia until such issuing court no longer has under the law of the State in which it is located, or declines to exercise, jurisdiction over modifications of such orders.

H.R. 990. January 4, 1977. Agriculture. Directs the Secretary of Agriculture to conduct research and development related to new methods of protein production, fertilizer production, and processing vegetable protein.

Directs the Secretary of Health, Education, and Welfare to develop an educational program relating to the preparation and use of such food products.

H.R. 991. January 4, 1977. Armed Services. Authorizes the President to appoint the sons and daughters of recipients of the Distinguished Service Cross, the Navy Cross, or the Air Force Cross to the appropriate service academy.

H.R. 992. January 4, 1977. Armed Services. Entitles otherwise ineligible members of the uniformed services and their dependents to medical and dental care in a uniformed services facility during a 60-day period following separation from service. Grants post exchange and commissary privilege to such individuals during this period.

H.R. 993. January 4, 1977. Armed Services. Prohibits the contracting for the construction of any vessel for the Navy at any place outside the United States.

H.R 994. January 4, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Labor to make loans to industry and business in certain areas to aid in the financing of pollution control facilities.

H.R. 995. January 4, 1977. Banking, Finance and Urban Affairs. Establishes the National Bank for Cooperative Housing to make and guarantee loans to private and public housing developers for the purchase or construction of low- and middle-income cooperative housing when reasonable interest loans are not available from other sources.

H.R. 996. January 4, 1977. Banking, Finance and Urban Affairs. Establishes a presidentially-appointed National Landlord and Tenant Commission.

Directs the Commission to conduct a study of landlord-tenant problems, to review the implementation of the provisions of this act to grant funds to the States for the establishment and maintenance of housing courts, in accordance with standards established by the Commission, to develop model lease and rental agreements, and to appoint a body to develop and implement a national rent control plan.

Sets forth the rights and obligations of tenants and landlords.

H.R. 997. January 4, 1977. Education and Labor. Authorizes the President to call and conduct a White House Conference on Education in 1978.

H.R. 998. January 4, 1977. Education and Labor. Amends the Education of the Handicapped Act to provide that local educational agencies shall not receive Federal financial assistance unless they provide educational services to all handicapped children at levels of expenditure at least equal to outlays for other children.

H.R. 999. January 4, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States for the establishment of vision screening programs for public school students.

H.R. 1000. January 4, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to develop and implement youth camp safety standards, including standards for day camps, resident camps, and travel camps.

Establishes the Advisory Council on Youth Camp Safety within the Department of Health, Education, and Welfare.

EXTENSIONS OF REMARKS

GUN CONTROL

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. SCHULZE. Mr. Speaker, as a sportsman, hunter, and gun collector, I believe that the time has come to focus attention on the criminal rather than the law-abiding citizen or the instrument of crime when we discuss the question of gun control. Ultimately, individuals, and not society or some inanimate object, are responsible for crime. With this in mind, I am introducing legislation which is intended to increase the mandatory sentencing for criminals who carry a firearm in the commission of a crime. When one considers that only 3 percent of those who commit serious crimes in this country are sent to jail for doing so, there is obviously some need for improvement.

Our laws should be directed toward the criminal use of firearms rather than toward restricting the vast legitimate use by law-abiding citizens. Restrictive gun control legislation is not the answer.

According to FBI reports, firearms are used in less than 4 percent of all serious crimes nationwide. While firearms ownership has gone up steadily over the years, the rate of homicides involving guns has been declinnig. Over the past 10 years, less than one-fourth of the aggravated assault cases across the Nation were committed with firearms. There are perhaps 200 million privately owned firearms in the United States today, of which only one-sixth of 1 percent are used in the commission of crimes annually, including less than 1 percent of all handguns. I do not believe that the 50 million law-abiding gun owners in this Nation must be penalized because the firearm is misused by a small and often criminal element in society.

In addition, the efficacy of restrictive Federal gun control legislation is doubtful. Nationwide, there are over 20,000 firearms statutes in effect as the crime rate continues to increase. Hawaii, which has the lowest rate of gun ownership, has twice the crime rate of Wyoming, which has the highest rate of gun ownership.

In New York City, according to the Sunday Bulletin, "robbery-murders have been on the increase, although that city has some of the strictest antigun laws in the Nation, the kind gun-control advocates see as the answer to violent crimes."

In 1975, the Philadelphia Inquirer reported that the "famous Philadelphia gun law, enacted in 1965, did regulate the sale of all firearms. Its stated purpose was to reduce crime." Interestingly enough, however, from 1965 to 1973 gun killings in the city rose from 62 to 250. The article stated further that "this is an increase of 400 percent. Robberies committed with guns increased from 662 to 3,776—a 474-percent jump. Even the most casual observer must agree that the

strict gun purchase section of the gun law did not reduce crime."

Aside from the criminal use of firearms, the firearms accident rate also concerns the advocates of strong Federal gun control legislation. Let me simply cite the fact that there are 20 times more accidental deaths with cars, 8 times more through falls, and 3 times more through drowning, according to recent National Safety Council reports.

Finally, I believe that gun ownership is a fundamental right. The right to bear arms was rooted in 17th century English Common Law, and it was so important to our Founding Fathers that it was placed second in the Bill of Rights, preceded only by the individual's freedom of expression. Noteworthy is the fact that Samuel Adams and Patrick Henry were emphatic about the need for such an amendment prior to ratification of the Constitution. They protested that as initially submitted the document did not guarantee "the right of having arms in your own defense." Thomas Jefferson stated that "No free man shall ever be debarred the use of arms." The intention of our forefathers could not have been more clearly stated.

Mr. Speaker, our efforts must be spent in improving our criminal justice system, and not just penalizing those citizens who properly use firearms. I will work to see to it that the rights of the law-abiding citizens of this country are protected, and I urge my fellow colleagues to join me in that task.

The text of my bill is as follows:

H.R. —

A bill to amend title 18 of the United States Code to increase the penalties imposed for certain firearms violations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18 of the United States Code is amended—

(1) by striking out "not less than one year nor more than ten years." and inserting in lieu thereof the following: "not less than five nor more than fifteen years.";

(2) by striking out "not less than two nor more than twenty-five years and, notwithstanding" and inserting in lieu thereof the following: "not less than fifteen nor more than twenty-five years. Notwithstanding"; and

(3) by striking out "a second or subsequent conviction of such person or give him" and inserting in lieu thereof the following: "any conviction under this subsection or give".

NAVY PRESSES CASE FOR CARRIERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr BOB WILSON. Mr. Speaker, I have long been an advocate of nuclear powered combatant ships for our Navy and was severely disappointed earlier this month when the House scuttled plans for a fourth nuclear powered aircraft carriers of the Nimitz class.

When the new "smaller" carrier recommended by the administration and a Nimitz class vessel are compared size for size and dollar for dollar, there does not seem to be all that much difference. I fail to see the rationale for opting for the "smaller" carrier. It is faulty in that we would be giving up an increased offensive/defensive capability for the lessened cost. A good rundown of these various comparisons of the two carriers is given in the March 9, 1977, issue of the Baltimore Sun and I commend it to my colleagues for their information:

NAVY PRESSES CASE FOR CARRIERS

(By Charles W. Corddry)

WASHINGTON.—The Navy made it clear to Congress yesterday that it is unwilling to give up yet on either nuclear-powered aircraft carriers or flattops of very substantial size.

Though a current of frustration ran through the House Armed Services Committee, where its carrier supporters were rebuffed by the House last week, the Navy's top uniformed officer testified that nuclear ships are superior and some should be built for the 1980's.

"I firmly believe we should build nuclear carriers in the future," Adm. James L. Holloway 3d, chief of naval operations, declared.

Questioning brought out that he meant nuclear carriers of both the so-called smaller size now being planned and the current Nimitz size. He did not believe, he said, that the Navy's three gigantic Nimitz class ships are the last of their size.

In what many saw as a historic turn, the House voted 252 to 161 last week to sink the fourth Nimitz-class ship before construction had started. This was done on recommendation of former President Ford, who had a last minute change of mind, and of President Carter.

The proposal of both, which the House vote was seen as endorsing, was to replace the fourth nuclear Nimitz class carrier with two smaller conventionally powered carriers, one in fiscal 1979 and one in fiscal 1981. Admiral Holloway and fellow admirals yielded to that but the Naval chief said yesterday that later smaller carriers should be built with nuclear power.

In his testimony, he gave the committee an idea of what is meant by smaller or "moderate" ships.

While the new-type carrier has not yet been designed, it appears that it could wind up displacing more than 70,000 tons—hardly a small ship even by comparison with the 94,400 ton Nimitz class. Its flight deck may be 900 feet or more, while the Nimitz's is 1,040.

The rationale behind the administration's pressure for "smaller" ships is that the growing size and power of the Soviet fleet require more and therefore less costly U.S. ships. The huge carrier is seen as increasingly vulnerable, though Admiral Holloway yesterday rated the proposed smaller ship as less capable of self-defense because, for one reason, of its smaller aircraft complement.

The fourth Nimitz class carrier, had it been built, would have cost $2.2 billion by Pentagon estimates. The Navy says starting from scratch and designing and building a smaller nuclear ship would cost as much. But it hopes to build the new conventional type for $1.25 billion.

The ship, though still on paper, appears to be growing in size. By the 1990's the Navy hopes to have vertical-takeoff planes, making small decks feasible. Until then, the admirals insist new carriers must be big enough to handle all current sea-going planes.

In the Pentagon's annual defense posture statement in January, the new carrier was described as displacing 40,000 to 50,000 tons. Admiral Holloway yesterday used the figures 50,000 to 60,000 tons.

Representative Les Aspin (D., Wis.), no big carrier fan, brought out that those figures were for "standard load," that is, a ship without its own fuel, reserve boiler water and aircraft fuel. With those added and under "full load," the ship would displace another 8,000 to 12,000 tons, Admiral Holloway said.

Judging by differences between standard and full load displacement for current carriers—about 13,000 tons for the Nimitz and Enterprise and 20,000 tons for the conventional Kitty Hawk—the admiral's estimate may be conservative.

He said the new ship would have to have two to three catapults, four arresting gears, two to three aircraft elevators—all factors making for size and weight. It would carry about half the Nimitz's 90 to 100 plane complement.

MOBILE TEACHERS' RETIREMENT ASSISTANCE ACT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1977

Mr. PANETTA. Mr. Speaker, today I am introducing the Mobile Teachers' Retirement Assistance Act of 1977.

The bill is necessary to protect the retirement benefits of teachers who move across State lines to teach. Since the bill is identical to bills introduced in the 92d, 93d, and 94th Congresses, it is my hope that the 95th Congress will recognize the urgency of this legislation which I feel would rectify a serious injustice to which public school teachers have been subjected for many years. A similar bill has already been introduced in the Senate by my good friend Senator CRANSTON of California.

Current law in effect prohibits teachers from moving across State lines because such a move would require them to lose hard-earned retirement benefits. At a time when there is severe unemployment in the teaching profession and when there is a growing need for experienced teachers in our rural areas, it is essential that Congress pass legislation which will encourage mobility for teachers so that they can relocate to areas where employment opportunities and the demand for their skills is the greatest.

In my State of California alone, over 100,000 elementary, secondary, and community college teachers have taught in other States. Nationally, 26 percent of America's teachers have taught in at least two States. Those teachers, who spent an average of 8 years working in other States, lost their retirement benefits when they moved.

The bill I am introducing today would establish a Federal-State program to assist in the funding of these benefits for public school teachers. It would en-

able teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers. In addition, the bill would extend Federal funds to aid in the financing of recognized out-of-State service credit for those States who wish to participate.

Many of our State retirement systems have made attempts to rectify this prohibition of teacher mobility, but because of the limitation of State funds the interstate nature of this problem makes Federal legislation a necessity.

Mr. Speaker, I include in the RECORD, following my remarks, the text of the bill:

H.R. 5825

A bill entitled "Mobile Teachers' Retirement Assistance Act"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act."

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The Congress finds that the transfer of qualified teaching personnel between schools operated by public educational agencies in one State and schools operated by public educational agencies in another State is seriously impeded because of the possibility of forfeiture of retirement benefits in the system from which a teacher transfers and that the resulting immobility of teachers impedes the mobility of the Nation's work force by hindering the growth and development of new communities. It is therefore the purpose of this Act to protect commerce by facilitating the interchange of teaching personnel from a public educational agency in another State by providing Federal financial assistance in the transfer of credits from one State to another State.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established under State law or local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system, school or institution of higher education.

(5) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(6) The term "Commissioner" means the United States Commissioner of Education.

(7) The term "out-of-State" means public teaching service performed in another State or in elementary or secondary schools operated by the United States Department of the Interior and United States Department of Defense and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(8) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system, and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

SEC. 4. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 5(c).

(2) allow covered teachers at least ten years of out-of-State credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher by the date of retirement of a portion of the cost involved and payment from public funds of the remainder.

(3) require no more than one year of in-State service for each year of out-of-State service credit granted.

(4) provide that the teacher's payment for out-of-State service credit shall not exceed 25 per centum of the total cost of the out-of-State service credit.

(5) provide for vesting after not more than five years of credible service in the State retirement system.

(6) provide for making such reports, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 4(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 50 per centum of the total cost as determined by the retirement system at such teacher's age on date of retirement: *Provided,* That if the teacher has not reached age sixty, the cost shall be determined as if the teacher were age sixty.

(b) The Federal contribution under this section to a State retirement system shall be limited to the reserve required to provide not more than ten years of out-of-State service credit: *Provided,* That the Commissioner may determine maximum reserve factors at each age, beginning at age sixty, for purposes of the Federal contribution.

(c) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 2 per centum of the Federal contribution made under section 5.

EFFECTIVE DATE

SEC. 7. This act shall become effective October 1, 1977, with respect to teachers who retire on or after such date.

APPROPRIATIONS AUTHORIZED

SEC. 8. For the purpose of making such Federal payments, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1978, and for each succeeding fiscal year the amount necessary to effectuate the provisions of this Act.

MS. CHERYL DEE MORRISSEY: WINNER OF THE VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM FOR THE STATE OF NEVADA

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. SANTINI. Mr. Speaker, Ms. Cheryl Dee Morrissey, the VFW Voice of Democracy Winner for the State of Nevada, has written an eloquent and thought-provoking essay about America. Through her imaginative style and her grasp of the language, Ms. Morrissey has set forth a penetrating look at our country's past and her promising future. I am pleased and proud to share this work with my colleagues:

1976–77 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM NEVADA WINNER

(By Cheryl Dee Morrissey)

There is no new thing to be said about America. No new word about the mountains, or the sea, or the stars. The years go their way, but the same mysterious sea beats upon the shore; the same silent stars keep holy vigil above a tired world. To these, men turn forever in unwearied homage. And thus with America. It is a sea in deep undervoice of mystic loneliness.

America, like the sea, changes and conforms to its environment, but it will always be a constant, such as the stars keeping their lonely vigil over the world and the sea, rushing to meet the shore.

Almost all my life I have spent around sailboats, and to me America is the flagship of the world. Living in these United States, I have the right to secure my future, for in its wake I am protected from the ravages of the world around me, an uncharted tempestuous sea.

America is a resplendent sailing vessel, structured from the bottom of its keel to the uppermost point of its mast, by the people and for the people. She was rigged to lean firmly but gently as the winds direct her, yielding always and ever to the intent of the population, her passengers. They have steered her out of slavery to equal rights, from depression to the highest standard of living in the world, from a few scattered colonies to fifty proud states.

I see her keel, reaching deep into the water, as our own Constitution, providing the balance and the weight which keeps us upright and solid in our voyage.

As she clips through the water, the ship America varies course by bearing upon the rudder, synonymous to the power of the vote, avoiding ill winds, opposite tides, and maelstroms the world about us contrives.

The ribs of this windjammer are strong and sturdy. They sustain the entire ship, weaving a network of timber which is seaworthy in all trials the ocean dares to concoct. The ribs in America's brand of democracy are the Amendments, sound and supportive.

I gaze upon three sails, flying high and full. The largest of the three, the Main Sheet, flies off the mast, as the main body of our government exists with the instrument of the Constitution and the Amendments. Ballooning on the bow of the vessel is the jib, aiding the main sail by pulling the ship America through the water, as state government helps to draw our form of democracy to success. The aftmost sheet is the Mizzen; it completes the ring from Constitutional Monarchy, representing local government.

But the whole must be greater than the sum of these parts. For this we have the ropes. Without them there would be no purpose, for they set the sails, and they serve as the combination of the will of the people and the power of electorate.

Thus, the vessel America sails the stormy ocean, avoiding all obstacles it produces, and in so doing the United States protects and secures my future. This is what America means to me, to have faith in a country which one knows cannot fail . . . who could not be proud to sail upon such a worthy vessel?

HANOVER COLLEGE CELEBRATES 150TH ANNIVERSARY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HAMILTON. Mr. Speaker, Hanover College in Hanover, Ind., is distinguished as the oldest 4-year liberal arts college in Indiana, and the only Presbyterian church-related college in the State. Hanover this year celebrates the 150th anniversary of its founding, 150 years of quality education within a Christian environment. Among those individuals who have shared in Hanover's heritage and are a part of her pride are alumni Harvey W. Wiley, author of the Pure Food and Drug Act, steel magnate and philanthropist William Henry Donner, and Thomas Hendricks, Vice President of the United States under Grover Cleveland.

Hanover's physical plant today includes 555 acres bordering the Ohio River in the southeastern corner of the State. The grounds contain 33 of the most modern educational and administrative facilities on any college campus of its size in the country. Course offerings in 23 academic disciplines are complemented by a strong intramural and intercollegiate athletic program, in addition to numerous cocurricular activities including music, drama, radio programing, student government, and 3 student publications. Fall and winter terms of 14 weeks are followed by a 5-week spring term which many students utilize for off-campus course work, internships, or study abroad. Two of the newest additions to the campus are the Lyman S. Ayres Athletic Field, a 70-acre physical education complex, and the Duggan Library, housing 205,000 volumes in addition to the special collections in its archives room. Construction of a center for fine arts is scheduled to begin this year. Hanover is also the site of nationally affiliated chapters of four sororities and five fraternities. Enrollment averages 1,000 men and women students per term.

Hanover College has been the sight of numerous "firsts" in the early years of its existence and these include:

The first seminary in the Northwest Territory;

The first college literary society in Indiana;

The first teacher training courses in Indiana;

The first laboratory teaching of chemistry in Indiana;

The first field study in the teaching of biology and geology in Indiana;

The first vocational education in Indiana;

The first college football and tennis in Indiana; and

The first football game played on a lighted field in Indiana.

Mr. Speaker, the educational purpose of Hanover College is summarized in the following statement: "The historic and continuing purpose of Hanover College is to provide a liberal education which will develop a searching mind sustained by Christian understanding. The aim, with clear insistence on free inquiry into the nature of man, is to lay the groundwork for a lifetime of intellectual and spiritual growth."

HIGH TAXES—A MAJOR CONCERN IN WISCONSIN

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. KASTEN. Mr. Speaker, the Federal income tax burden on middle-income Americans is one of the most volatile issues in America today.

Survey after survey in Wisconsin pegs "taxes" as a major concern of the people.

Far too often when we approve billion dollar programs and deficits, I think we forget that the financial burden of Government today goes beyond the Federal level. People back home are paying more and more in State and local taxes, too. And at every level, inflation has caused overtaxation of all Americans.

My constituents in Wisconsin are particularly concerned about high taxes. They have reason to be· Wisconsin is a high tax State.

A recent study by the Federal Advisory Commission on Intergovernmental Relation shows that Wisconsin families pay the second highest personal income taxes in the Nation in three income categories—$10,000, $17,500 and $25,000. Wisconsin takes more tax out of a $10,000 income than other States take out of a $25,000 income.

I would like to share with my colleagues the complete results of this study, which appeared this week in U.S. News & World Report:

STATE INCOME TAXES—WHO PAYS MOST, LEAST

If you're wondering how your State's income-tax bite compares with that in others—

Biggest chunk of a family's income is taken by State income taxes in Delaware, Massachusetts, Minnesota, Oregon and Wisconsin

Heaviest taxed at all income levels is Minnesota.

Lightest income taxes, among States which levy them, are taken by Louisiana, Maine, Michigan, Nebraska and Ohio.

No income taxes at all are levied by nine States: Connecticut, Florida, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington and Wyoming. New Jersey starts collecting an income tax this year

These are the findings in a new study by the staff of the Advisory Commission on Intergovernmental Relations, an independent research organization created by Congress in 1959.

The Commission computed the amount that each State levies at different levels of income. Those State tax figures on three incomes for the latest available year, 1974, are given below.

To show how widely the bite varies—

With a $10,000 income, a family will pay more than $250 in seven high-tax States, ranging from $255 in Maryland to more than twice that in Minnesota. But a similar family would pay less than $65 in eight other States.

With a $17,500 income, a Minnesota resident would pay more than $1,000, while five States levy from $801 to $611, and six others are under $200.

With a $25,000 income, the family of four will pay $1,000 or more in eight States and the District of Columbia. But five other States levy less than $400.

In fact, two States—Minnesota and Wisconsin—take more tax out of a $10,000 income than some others do out of a $25,000 income—Michigan, Louisiana, Nebraska and Maine.

On the average, State income taxes figure out to about $150 or 1.5 percent on an adjusted gross income of $10,000; $368 or 2.1 percent on $17,500, and $750 or 3 percent on $25,000.

The tax rates rise most steeply as income rises in California, Georgia, Idaho, New York, North Dakota and Oklahoma. Only in Pennsylvania is it the same for all incomes—a flat 2 percent.

Keep in mind, though, that the amount of a State's income tax is not a measure of the total tax burden it imposes. You also pay sales, property, real-estate and other taxes and fees.

A new nationwide study shows this—State's personal income tax for a married couple with two children

	At $10,000 of annual income	At $17,500 of annual income	At $25,000 of annual income
Alabama	$147	$339	$593
Alaska	182	369	668
Arizona	148	314	646
Arkansas	163	387	771
California	64	293	688
Colorado	157	382	785
Delaware	236	652	1,238
District of Columbia	250	579	1,107
Georgia	83	319	714
Hawaii	212	611	1,133
Idaho	138	474	973
Illinois	150	338	525
Indiana	150	300	450
Iowa	295	528	884
Kansas	126	297	560
Kentucky	243	444	750
Louisiana	48	125	227
Maine	60	160	359
Maryland	255	479	812
Massachusetts	277	641	1,013
Michigan	[1] 59	103	221
Minnesota	543	1,016	1,724
Mississippi	38	218	473
Missouri	109	268	567
Montana	279	499	947
Nebraska	35	158	330
New Mexico	84	238	527
New York	206	550	1,174
North Carolina	258	535	1,000
North Dakota	105	338	822
Ohio	55	188	390
Oklahoma	50	196	517
Oregon	238	633	1,184
Pennsylvania	200	350	500
Rhode Island	119	286	521
South Carolina	157	420	885
Utah	148	452	821
Vermont	216	520	946
Virginia	175	449	829
West Virginia	144	276	494
Wisconsin	365	801	1,488

[1] Refund of other taxes by State.

Ten States—Connecticut, Florida, Nevada, New Hampshire, New Jersey, South Dakota, Tennessee, Texas, Washington and Wyoming—did not levy a general personal-income tax in 1974, the year for which taxes are shown. New Jersey enacted an income tax last year.

Note: Figures assume the following—all income is from wages and salaries earned by one spouse. At $10,000, the optional standard deduction is used. At $17,500, itemized deductions of $3,520 are used. At $25,000, deductions of $4,365 are assumed.

For States that allow a deduction for federal income taxes, deductions were used: $791 at $10,000; $1,908 at $17,500, and $3,470 at $25,000. Figures for Michigan are based only on taxes for Detroit home-owners.

PROPOSED AMENDMENTS TO THE FEDERAL RULES OF CRIMINAL PROCEDURE

HON. JAMES R. MANN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. MANN. Mr. Speaker, the Judiciary Committee's Subcommittee on Criminal Justice has pending before it several proposed amendments to the Federal Rules of Criminal Procedure. The subcommittee has studied these proposed amendments and has taken action on them that has resulted in the drafting of three bills. At the request of the subcommittee, I am introducing these three bills today. In order to understand the reasons for the subcommittee's action and decision to have three bills introduced, it is necessary to know something about the background of the proposed amendments.

They were promulgated last April by the Supreme Court, which was acting pursuant to statutes known as the Rules Enabling Acts—in this instance, 18 U.S.C. 3771 and 3772. At the same time, the Court also promulgated a set of rules to govern proceedings under 28 U.S.C. 2254 and 2255, sometimes referred to as habeas corpus proceedings.

The amendments to the Federal Rules of Criminal Procedure and the habeas corpus rules were to have taken effect on August 1, 1976. The Congress, however, enacted Public Law 94-349 and delayed their effective date. The effective date of all but two of the amendments to the Federal Rules of Criminal Procedure was delayed until next August 1—two of the amendments were allowed to go into effect last August 1. The effective date of the habeas corpus rules was delayed until 30 days after the 94th Congress adjourned sine die.

The subcommittee took up the habeas corpus rules last Congress and drafted legislation that approved most of them as proposed and approved the rest with modifications. The subcommittee's legislation was enacted by Congress, signed by the President and became Public Law 94-426.

The proposed amendments to the Federal Rules of Criminal Procedure are still pending before Congress. If Congress does nothing about them before August 1, 1977, the amendments as proposed by the Supreme Court will take effect. If Congress wants to have a say in what these amendments provide, it must enact legislation before August 1.

With that in mind, the Subcommittee on Criminal Justice began 3 days of hearings on the proposed amendments in February. We heard from a wide segment of the legal community during those hearings—judges, prosecutors, defenders, and law professors. On the basis of the information and testimony that it has received, the Subcommittee has drafted legislation which it is recommending to the Committee on the Judiciary. This legislation approves some of the proposed amendments, either in toto or in a modified form, and disapproves the others. I am introducing that legislation today, and it will be taken up at the next Judiciary Committee meeting. If approved by the commitee, it should come before the House by the end of April.

As I indicated, the subcommittee has decided to disapprove certain of the proposed amendments. It did so, not because it necessarily disagrees with the proposals, but because it felt that they required separate consideration and action. In the subcommittee's opinion, the proposed amendments adding a new rule to the Federal Rules of Criminal Procedure (rule 40.1) and amending an existing rule (rule 41(c)) deserve separate action by the Congress.

Because the subcommittee believes that these two proposed amendments require separate consideration and action, it has requested that I introduce legislation upon which it can act. Consequently, I am today introducing two bills, one that is substantively the same as proposed new rule 40.1 and one that is substantively the same as the proposed amendment to rule 41(c). These two bills will serve as the legislative vehicles for congressional action on the issues raised by those proposed amendments.

The subcommittee's purpose in proceeding in this manner is to insure that the Supreme Court's proposals receive thorough consideration and that the provisions of the amendments be well thought out and carefully drafted. It is not our purpose to bury the Supreme Court's proposals. The subcommittee has already scheduled a hearing on the legislation dealing with the proposed amendment to rule 41(c). The legislation dealing with proposed new rule 40.1 will also receive expeditious consideration by the subcommittee.

RULE 40.1

As I mentioned above, one of the bills embodies the substance of proposed new rule 40.1, which deals with procedures for removing a criminal case from State to Federal court. Removal of criminal, as well as civil cases is presently governed by 28 U.S.C. 1446.

The subcommittee found that some of the provisions in the proposed new rule were noncontroversial, but it also found that others raised some disturbing problems. Some of the provisions of the proposed rule are in conflict with the removal statute (28 U.S.C. 1446). For example, the statute provides that once a removal petition has been filed, the "State court shall proceed no further" (28 U.S.C. 1446(e)). The proposed new rule, however, would permit the State court to continue its proceedings up to the entry of judgment.

The subcommittee is of the opinion that it is unwise for a congressionally enacted statute and a rule of procedure to be in conflict like that. Due regard for a coordinate branch of the Government would seem to suggest that rule changes which, in effect, repeal parts of congressionally enacted statutes ought to be accomplished by means of legislation—especially here, where the proposed changes raise other problems.

Some of these other problems are illustrated by the provision in the proposed new rule requiring that a removal petition be filed no later than "10 days after the arraignment in State court." This conflicts with the present statute, which permits a petition to be filed at any time, 28 U.S.C. 1446. Changing the filing time raises problems other than questions related to the separation of powers doctrine. Pretrial procedures in State courts are quite diverse. In fact, in some jurisdictions, a State criminal trial will be concluded within 10 days of arraignment. Thus a defendant might not be able to file a petition before the State court enters judgment in his case—either in the proposed rule or by Advisory Committee note to the proposed rule. It is not clear what would happen in an instance where a removal petition was filed within the time allowed—10 days—but after the State court had entered a judgment of guilty. If the removal petition were found meritorious, could the case still be removed to Federal court? If removed, would a trial in Federal court be barred by the double jeopardy clause of the Constitution? It seems to the subcommittee that further information about arraignment and trial procedures in State courts is essential in drafting a provision that changes the present statute's provisions concerning the time for filing a removal petition.

I should also note that it has been questioned whether removal petitions really present a problem to the Federal courts. Representatives of the Judicial Conference, the people initially responsible for drafting the proposed new rule, testified at our hearings. While they testified that it was their impression that removal petitions were a problem, they had not statistics available to support this impression. The subcommittee would hope to develop further information on the need for changing the present removal statute.

RULE 41(C)

I am also introducing, at the subcommittee's request, a bill that is in substance identical to the proposed amendment to rule 41(c).

The Supreme Court's proposed amendment to rule 41(c) allows search warrants to be issued, if the circumstances make it reasonable, "upon sworn oral testimony of a person who is not in the physical presence of a Federal magistrate." Typically, the magistrate would receive such testimony over the telephone, and the whole procedure is sometimes referred to as the telephone search warrant procedure.

The proposed amendment provides that sworn oral testimony of the person shall be recorded and transcribed and that the transcription shall be certified by the magistrate and filed with the court. Before approving the issuance of a warrant, the magistrate must require the person requesting the warrant to read to him, verbatim, its contents. If the magistrate approves issuance of the warrant, the person requesting it will then sign the magistrate's name on a copy of it. If a search under this procedure is allowed, the copy of the warrant in the possession of the person who requested it must be returned to the magistrate.

Two States, Arizona and California, presently have statutes that provide procedures for obtaining a search warrant when the person requesting it is not physically present with the magistrate. The procedures in those States differ somewhat from the procedure established by the proposed amendment.

The intent of the proposed amendment according to its drafters, is to provide a method for obtaining a search warrant "when it is not reasonably practicable for the person obtaining the warrant to present a written affidavit to a magistrate." Advisory Committee note to proposed amendment to rule 41(c), in House Document No. 94–464, at 21. The rationale is that this procedure will encourage Federal law enforcement officers to seek search warrants in situations when they might otherwise conduct warrantless searches. See Advisory Committee note to proposed amendment to rule 41(c), in House Document No. 94–464, at 22. The subcommittee approves and applauds this goal.

However, several witnesses at our hearings suggested that the new procedure would not be used in lieu of warrantless searches. They asserted, instead, that it would be used in lieu of the present procedure, where the person seeking the warrant must appear in person before the magistrate. The subcommittee would, of course, be concerned if this were to come to pass.

The subcommittee is of the opinion that a Federal procedural rule on this topic ought to be drafted in light of the experience of those States that have such procedures. We can learn from them how they have dealt with the technological problems. We can find out whether and under what circumstances the procedure has proven beneficial. We can also find out whether the procedure has led to a reduction in the number of warrantless searches, or whether it has been used in lieu of the traditional procedure for obtaining a search warrant. To get answers to these questions requires additional time and study. The bill I am introducing at the subcommittee's request will give it the vehicle for conducting that study.

In conclusion, Mr. Speaker, let me reiterate what I said earlier. The subcommittee is not attempting to avoid dealing with removal petitions and telephone search warrants. The subcommittee is interested in those issues and intends to deal with them expeditiously. To this end, we have already scheduled a hearing on the bill dealing with telephone search warrants. Since many of the issues involved touch upon fundamental rights of our citizens, we believe that it is our obligation to study the problems thoroughly, decide what sort of legislation is appropriate, and then draft precise and clear language to deal with the problems.

A TRIBUTE TO DENNY BRACKEN

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, last Sunday, Denis Bracken, a news reporter with KNX Radio in Los Angeles and the CBS Radio Network, passed away at the age of 45. While my colleagues from outside the Los Angeles area may not immediately recognize the name, I assure you that his voice would be recognized in a second were you to hear it.

Denny Bracken's passing is an extremely sad moment. Not only was he a young and exceptionally gifted broadcaster, but he was, more importantly, a very decent person.

For every Los Angeles commuter who travels the freeways there is an instant love affair with the car radio. It makes bearable the long drive from home to work in the morning and the evening return. For every commuter who knows what it is like to measure distance in inches during rush hour, the voice of Denny Bracken was a reassuring comfort. He would reduce the headlines, usually filled with some international tragedy to a more human level. For instance, if a particular issue was the current talk of the city, Denny would call the particular individual involved, either in Washington, D.C., Sacramento, or Los Angeles, get their perspective and then present the various viewpoints in a fairly balanced report. In fact, several weeks ago, he called me in my Washington office to get my reaction to a report dealing with weaknesses in NATO. I felt we had a special relationship because if something happened that directly involved me or my congressional district, he would always try to call to get my reaction or my thoughts on the matter.

Denny was not what you would consider a straight news reporter, but more human interest oriented. In a large urban area like Los Angeles, he became the personal friend of many through the radio waves. One of his popular programs was a call-in talk show where he would get comments from average citizens, then talk about the issue and provide a little

perspective on what was going on. His programs were always informative but never impersonal.

Versatility was also a Denny Bracken trademark. With the CBS Radio Network, he cohosted the program "Mike Roy's Cooking Thing." Denny and chef Mike Roy, who ironically passed away only late last year, would discuss recipes and other cooking tidbits. The friendship and warmth expressed between the giant chef and his Irish cohort was something every person could identify with. After Mike Roy's death, Denny went on with the program, renamed "Meet the Cook," which was heard by 10 to 12 million people across the country.

He also reported sports and other major news events for KNX. As he said:

News, sports, food. I just can't make up my mind and I really don't want to. I have no desire to become a specialist and that's why KNX has been such a satisfying experience.

Jim Zaillian, a fellow coworker of Denny's and news director at KNX, said:

He was without parallel in broadcast journalism. In my 28 years in broadcasting, I've never known anybody with as much all-round talent.

Los Angeles is going to miss Denis Bracken and his reassuring voice. As one resident of that city, I will miss being able to turn on the radio on the drive from the airport to my home in Hawthorne and hear him deliver his personal kind of journalism. Good journalism is something more than the mere reporting of events. It is a journalist who is able to capture the imagination and conscience of the listening audience. Denny Bracken was able to capture that imagination. His programs raised the consciousness of Los Angeles, improved community spirit and helped to make life a little more pleasant for its residents.

He will definitely be missed.

INTRODUCES BILL TO KEEP STEAMSHIPS IN OPERATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. STARK. Mr. Speaker, today I am introducing a bill to amend the Merchant Marine Act of 1936 to allow a 5-year extension of Federal subsidies to the S.S. *Monterey* and the S.S. *Mariposa*. Without this action, the last two remaining U.S.-flag passenger ships will cease operation in April of next year.

Let me elaborate as to the reasons this action is in the best interest of the country. First, over 615 full-time jobs are directly connected to these ships, providing a livelihood to over 1,000 American workers. Additional jobs are provided in the longshore and shipyard industries. The loss of these jobs, especially at a time when we are working to create more employment, would be tragic and would impact heavily on the west coast.

Moreover, the operation of these vessels generates considerable amounts of money that is injected into our economy. The annual payroll of the *Mariposa* and *Monterey* is about $20 million, and it is estimated that at least an equal amount is spent in related services. This does not include the taxes paid to Federal and State governments each year. The continuation of the approximately $15 million in Federal subsidies paid to the ships' operator, the Pacific Far East Lines, would seem to be a conspicuous example of financing in which the Government receives more in direct and indirect revenues than it pays out in subsidies.

The ships also bring about 5,000 tourists each year from the west coast to Hawaii, and another 1,500 to Alaska, thereby contributing to those locales' economies. There is no reason that these vessels should not continue in operation. Pacific Far East Lines wants to keep them alive, and both the American Bureau of Shipping and the U.S. Coast Guard have indicated that the *Mariposa* and *Monterey* are in good shape and could operate until 1983.

Besides the obvious losses that would occur if we let these ships' operating subsidies be terminated in April of 1978, there are other less tangible effects. Cost cannot be attached to the ending of a tradition of American seagoing passenger service that dates back to the beginning of our Nation at a time when more passenger ships are sailing on world trade routes than at any other time. It would be reprehensible for us to sit idly by and let this happen.

We cannot turn our back on the plight of our last remaining passenger ships and on the American seamen for whom they provide jobs. I urge you to consider this bill and join me to keep the *Mariposa* and *Monterey* afloat.

BILL TO IMPROVE AND EXPAND HOME HEALTH CARE SERVICES

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today that will improve and expand the home health care services available under medicare and medicaid.

A very unfortunate situation has developed in our country in the last 10 years and that is the practice of placing the elderly in nursing homes. According to recent satistics, more than 1 million people over the age of 65 are in a nursing home and the shocking fact is that many of these people really do not belong there. They do not need the round-the-clock care provided by a nursing home nor the intensive medical care provided, but what they do need is a little skilled assistance to enable them to remain safely and happily at home.

Recent studies have determined that if adequate home health care programs were developed, these programs could prevent or postpone the institutionalization of as many as 2.5 million elderly. And the sad fact is that many of the elderly would rather remain in their own homes in comfortable and familiar surroundings within the neighborhood and among the friends that they have known for so many years. But many of them are afraid to do so because of their illness and the fear that if they become ill in the middle of the night, they could not get assistance or if they fell and broke a leg, they could not get help. So many of them are forced into spending their life savings on a nursing home because of the security it provides.

The bill I am proposing calls for a number of changes which include removing the limitation of 100 home health visits currently permitted under medicare part B, expanding home health services covered under medicare to include a full range of medical, homemaker and other correlative services, and removing the requirement that an individual need skilled nursing care in order to qualify for home health services.

I hope that the Committee on Ways and Means will explore the matter of home health coverage under medicare and medicaid in this Congress and give it the attention it deserves. HEW's director for the Office of Long Term Care recently said that no matter how good a nursing home is, it cannot substitute for a home environment, and I am sure that the elderly in our Nation would unanimously agree. Let us give the elderly the opportunity to live their golden years in familiar surroundings that hold many happy memories rather than an institutionalized environment that gives them no hope for tomorrow.

URGES ADVOCATE FOR THOSE WHO SERVED

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ABDNOR. Mr. Speaker, I rise today to echo the sentiments of many citizens throughout this great Nation. Yesterday the administration announced phase two of its "Bind the Wounds of the Vietnam War" program. I was appalled at phase one, but I do not think that I can find the words that express the contempt that I have for phase two. The people of this country were asked to turn the other cheek when the President announced his pardon. They did, but not without anguish. Now Mr. Carter has slapped those who served again. I speak in support of those who served this country honorably. It is about time they have an advocate. They were asked and they gave. In some cases, they were not asked but told. Not all who served agreed, but they gave their services when the country needed them. That has been the attitude which brought this country into its third century. Our Nation asked them to suffer and sacrifice. Many gave the utmost sacrifice. These are the people we owe our compassion to, not those who deserted our Nation.

Under the President's program, the guidelines for review are so all-encom-

passing that I do not know why he has included guidelines at all. Why did he not make a blanket upgrade? Then to add to it, he provides that if the review board refuses to upgrade the discharge, we will provide counsel for appeal. That is a nice thought. We have slighted those who served enough at the thought of an upgrade anyway. I could go on and on, but I think that I have made my position clear on this issue.

I would also like to touch on one other complication caused by this action that concerns me deeply. I am proud to be a member of the Veterans' Affairs Committee. I feel that our committee does its best to provide assistance to those veterans who honorably served this Nation. The Veterans' Administration provides unparalleled service to our veterans. But try as we do, we could do more. I would ask you to look at the facts for a moment. We do not have the funds to provide some of the things that our veterans sorely need. Look at unemployment, educational costs, hospital care. Need I continue? The President's proposal will not only upgrade discharges, but will make all of those people eligible for veterans' benefits. I ask you, is this just? I think not. Our committee has been struggling with the Budget Committee to get over $1 billion restored to our proposed budget. These funds are needed to provide adequate assistance to those who served. I do not have to tell you the needs of our veterans—you know them. I guess we will just have to tell our veterans, "Thanks for your time. We'll call you the next time we need your help, but don't expect much from us as we have got to be compassionate to those who decided not to help you."

I close by saying thank you, Mr. President, from those in our VA hospitals and those who are at Arlington and the other cemeteries throughout the Nation. I guess we have given them the compassion they asked for.

COCALICO HIGH SCHOOL BOYS BASKETBALL TEAM WINS STATE TITLE

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. WALKER. Mr. Speaker, I would like to take note, for the benefit of my colleagues, of the accomplishments of a group of young athletes from Lancaster County, Pa. These young athletes are the members of the Cocalico High School basketball team.

As someone who has more than a passing interest in the sport of basketball, I find their recent victory as statewide basketball champions in Pennsylvania an outstanding accomplishment.

Their talent, their perseverance, and their dedication have brought this high honor not only to themselves and their school, but also to Lancaster County which has never before been home to a State boys basketball championship team.

I hasten to note that on their way to ultimate victory in the playoffs, the Cocalico Eagles faced perhaps their toughest adversary in the semifinals against another local team from Lancaster Catholic High School. This group of young men gave us all reason to be proud of their skill and their sportsmanship.

The spirit and magic surrounding this special group of young men from Cocalico was best evidenced last Saturday evening when thousands of supporters lined the streets of Denver, Pa., to welcome their champions home.

It is this kind of support that the Cocalico Eagles enjoyed through the regular season and the strenuous playoffs. A particularly important share of the credit goes to the families of the team players who, I am sure, figure prominently in the success of this team.

Congratulations would not be complete if I failed to mention Coach Ed McIlmoyle—the mentor, master strategist, and one of those unusual people who obviously brought out the best in those he took to the championship.

The coach, the player's families, the community of Denver, and the Cocalico area have reason to be proud of these young men. They set their sights on becoming the best and they achieved it.

This is the kind of attainment through teamwork that serves as an inspiration to all of us.

MINERAL DEVELOPMENT ACT OF 1977

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. RUPPE. Mr. Speaker, the Committee on Interior and Insular Affairs, on which I serve, will soon be considering legislation to reform the mining law of 1872. This law presently permits individuals to search for, discover, and acquire title to the so-called hard rock minerals, such as copper, lead, zinc, silver, gold, and uranium, lying within the public domain.

The distinguished chairman of our committee, Mr. UDALL, has introduced legislation, H.R. 5806, which would, in essence, repeal the mining law of 1872 and substitute a completely new Federal leasing system for hard rock mineral development.

Secretary of the Interior Cecil D. Andrus has expressed his support of mining law reform and the Department of the Interior is expected to forward its recommendations to the Congress in the very near future.

The hard rock mining industry, through its national trade association, the American Mining Congress, has drafted legislation to correct many of the outmoded provisions of the mining law, modernize many of its other provisions, and, in general, simplify administration of the current act. It is my understanding that this bill was prepared by a panel of individuals who are extremely knowledgeable in the area of public land mineral law. This bill attempts to follow the recommendations made on the subject by the Public Land Law Review Commission. This bill also takes cognizance of the provisions of the recently enacted Federal Land Policy and Management Act of 1976.

I think that it is important that the recommendations of the mining industry for changes in the mining law be before the Congress and specifically the Committee on Interior and Insular Affairs. It is for that reason I introduced H.R. 5831 yesterday. I am not prepared to endorse any of the several proposals to reform or repeal the mining law at this time. Like many of my colleagues, I look forward to considering the merits of these proposals and I regard it as essential that the viewpoints of all those concerned with changes in our mineral development laws be before our committee as it begins its important work.

A PROPOSAL TO REVISE MEDICARE REQUIREMENTS AFFECTING RURAL HEALTH CARE FACILITIES

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BAUCUS. Mr. Speaker, in the last Congress, I introduced legislation to amend title 18 of the Social Security Act as it pertains to rural health care facilities. Despite the lateness of introduction, it was of such importance that nearly 40 colleagues agreed to cosponsor. I am reintroducing it today.

The problem that my amendment addresses is not, I suspect, one of great national concern, but it is of intense concern to health officials both in my district and in selected other districts which have unusually small health facilities serving extremely sparsely populated rural areas. Allow me to provide some background on this problem.

In order to participate in the medicare program, provides and suppliers of health services must comply with specific requirements set forth in the statute and with other requirements pertaining to the health and safety of medicare beneficiaries which the Secretary of Health, Education, and Welfare is authorized by the statute to prescribe.

According to policy established by the Social Security Administration, a hospital is certified for participation in medicare if it meets all statutory requirements and is in substantial compliance with all regulatory requirements; that is, the deficiences do not represent a hazard to patient health and safety, and efforts are being made to correct the deficiencies.

The regulatory requirements are far reaching in scope, ranging from detailed specifications for facilities to the hiring of medical directors in nursing homes. Most of these regulations are necessary and desirable. However, their reasonableness is questionable with regard to extremely small health care facilities located in remote and isolated areas. The requirements do not take into consid-

eration certain problems that are unique to certain rural area facilities; for example, the small number of hospital beds, the scarcity of skilled health personnel, the limited spectrum of services offered, and the geographical isolation of these facilities.

Attempts to comply with HEW regulations in order to get the Federal funds, which many of these rural health facilities find necessary to remain solvent, have resulted in great expense and in some cases, closure of facilities altogether. Recognizing that some health care in isolated rural areas is better than none at all, the Social Security Administration certifies certain access hospitals—so named because failing to permit these hospitals to participate in the medicare program would amount to denying certain beneficiaries access to inpatient care. Most of the access hospitals are small and located in rural areas.

Despite the certification of access hospitals, it became apparent in the early 1970's that although good faith efforts were being made to secure qualified nursing personnel, some rural hospitals were having difficulty complying with the nursing staff requirements. Consequently, an amendment to the Social Security Act was passed which authorized the Secretary of HEW, under certain conditions, to waive the nursing requirement if he found that—

The hospital is located in a rural area and the supply of hospital services in the area is not sufficient to meet the needs of medicare beneficiaries residing therein;

The failure of the institution to qualify as a hospital would seriously reduce the availability of service to beneficiaries therein;

The failure of the institution to qualify as a hospital would seriously reduce the availability of services to beneficiaries; and

The hospital has made and continues to make a good faith effort to comply with the nurse staffing requirement, but compliance is impeded by lack of qualified nursing personnel in the area.

In the last Congress legislation was passed extending for 3 years until January 1, 1979, the Secretary of HEW's authority to waive the 24-hour nursing service requirements for certain rural hospitals. No waiver authority was provided with respect to any other condition of participation or standard relating to health and safety. During the floor debate on this legislation in the House of Representatives, the following was noted:

The present law allowing waivers for the 24-hour registered nurse coverage requirement has made possible for many good and otherwise qualified rural hospitals to continue as providers under medicare. Attracting enough RN's for 24-hour coverage has always been a problem for rural hospitals. Loss of certification as qualified providers under medicare would work a severe hardship on both rural hospitals and patients. Such facilities depend significantly on their patient load covered under these programs. A closing or loss of certification of just one of these hospitals would force an expensive and unneeded burden on the paitent, who might have to travel hundreds of miles to the next available medical facility.

The Senate Committee on Finance was in favor of extending the nursing staff waiver for 1 year only, as it believed the 3-year extension would serve to delay a more permanent solution to the problem. The Senate Finance Committee asked instead that a movement be made toward developing recommendations for legislative changes designed to establish specific rural hospital certification requirements commensurate with staff and facilities in rural areas.

I would like to identify the problems encountered by health officials in sparsely populated areas and to articulate solutions to those problems. My knowledge of this area is limited. I do not sit on a House committee with jurisdiction regarding this area. I do know that this is a serious problem for some isolated areas of the country. This problem must be addressed if adequate high standard health care facilities are to remain open in rural areas. My knowledge of this area stems largely from a hearing I held in my district in early 1976. Over a hundred health professionals, including hospital administrators, nurses, doctors, and nursing home directors from all 23 counties in my district attended. In addition two members of my staff have traveled to several small hospitals in the district to see first-hand the problems which these institutions face.

My statement today will simply present a proposal for providing realistic Federal certification standards which will allow for the continued existence of health facilities in many rural areas.

The legislation which I introduce today is somewhat different than the bill which I introduced during the last Congress. This bill would make permanent the 24-hour nursing waiver after its current extension expires in December of 1978.

Great flexibility is accorded rural health facilities in meeting the health and safety provisions relating to participation under medicare. Under this bill the Secretary of HEW would be required to take into account the geographic location, the scope of services rendered by a particular rural health facility, and the availability of qualified personnel when considering personnel requirements relating to rural health facilities.

Mr. Speaker, I feel compelled to point out one dilemma this bill poses. As I stated earlier, its to protect sick people who need health care facilities in sparsely populated, remotely located rural communities. Of the thousands of hospitals we have in the United States, I suspect that very few—perhaps less than 200—fit my image for facilities which need exemption from certain onerous Federal requirements. Yet, when I introduced a similar bill in the last Congress, I received support from some colleagues and health officials who are concerned about communities and hospitals which probably should not qualify for an exemption.

Thus, while the response last year broadened the base of support for this legislation, it also convinced some people who are concerned about preserving high health standards that my bill would actually reduce the quality of care in all rural areas. Mr. Speaker, that is not my intent, and I am perfectly prepared to sacrifice the broader support for a more narrowly drafted exemption.

Put another way, what I am trying to achieve through this legislation is to provide the Secretary of Health, Education, and Welfare with the discretion to exempt certain hospitals from certain requirements when those requirements are simply too heavy to bear. I am convinced that most rural health officials are making good-faith efforts to supply quality health care, and yet, invariably, they are concerned about the "oppressive" nature of HEW when it seeks compliance with certain regulatory requirements. Yet when I talk with HEW officials, they tell me that they have no discretion in enforcing such requirements. If that is so, my bill would provide them that discretion and thereby reduce the constant fear that local health officials in remotely located hospitals now have of losing Federal funds.

MIXED USE REFORMS

Perhaps the most significant aspect of this legislation is its provision relating to the "mixed use" of acute care and nursing care beds. At present, hospitals do not receive medical reimbursement for patients who are not found by utilization review boards to be in need of acute care facilities. Nursing homes, on the other hand, may qualify for medical reimbursement for those very patients if they meet certain Federal requirements.

If rural hospitals were allowed "mixed use" of their facilities, that is, medical reimbursement for acute-care patients and lesser Federal payment for nursing home patients, the results would be as follows: A higher occupancy rate for the hospitals and thereby lowering the per-patient costs; the possibility of better medical care for some patients who must otherwise be transferred to nursing homes; and the elimination of the need for nursing homes to gear up for more skilled medical care in order to serve the more ill patients being transferred sooner from hospitals and to qualify for medical reimbursement to pay for the costs of serving those patients.

It is my hope that this legislation will provide greater flexibility for certain health facilities—irrespective of whether they are thought of as hospitals or nursing homes—to meet Federal requirements and to provide economically viable health institutions.

Last year some representatives from nursing homes suggested that my bill might undermine their economic opportunities in rural areas. Quite the contrary is my intent. Where such facilities are having difficulty providing the kind of skilled nursing care needed to meet Federal quality requirements, my bill would simply switch that responsibility to a hospital in their community, provided that hospital is interested in providing long-term skilled nursing care.

Another aspect of the mixed-use question worth noting here is that some hospitals are now deterred from providing skilled nursing care because they are required by HEW accounting rules to re-

imburse costs on historical data which may no longer reflect actual costs of the hospital. Let me explain. As I understand it, reimbursement rates established for hospitals providing acute care and skilled nursing care are based on the average costs borne for specific patients. Thus, if the costs were established when half of a hospital's patients were skilled nursing patients, that figure could, in many cases, understate the actual costs borne by a hospital when its percentage of acute nursing patients increases beyond 50 percent.

While my bill may not specifically solve this problem. I do hope the Ways and Means Committee will see fit to address it when it reconsiders health cost control legislation later this year.

CONCLUSION

This legislation will not solve all of the problems which confront remotely located rural health facilities. My purpose for introducing this bill is to draw attention to the unique potential and critical problems facing rural hospitals. It is not intended to lower the quality of health care in rural areas.

In discussions across my district, hospital administrators, doctors, State enforcement officials, and other health providers universally agree that many of the conditions of participation under medicare have improved the quality of health care in rural areas. In virtually every instance, these rural health facilities have made continuing efforts to comply with the conditions of participation.

I am not attempting to create a double standard for rural health facilities. Rather, I am attempting to ensure that adequate health care will continue to be available to all Americans, including those who live in isolated rural areas. Unless Congress addresses this critical situation soon, some small rural health facilities will undoubtedly be forced to close. If that unfortunate event occurs, many rural health care providers will be forced to discontinue service for lack of adequate facilities. This will only compound the serious personnel shortages facing rural areas.

For these reasons I introduced the following bill:

H.R. 5808

A bill to amend medicare provisions as they relate to rural health care facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(e) of the Social Security Act is amended by adding the following sentence at the end thereof: "The term 'hospital' also includes a rural health facility of fifty beds or less (whether used exclusively for patients requiring inpatient hospital services or for such patients and patients requiring extended care services), which the Secretary has determined meets the definition relating to a rural area specified in subsection (e), subparagraphs (A) and (B) of this section, and which meets the other requirements of subsection (e), except that—

"(A) with respect to the requirements for nursing services applicable after December 31, 1978, such requirements shall provide for temporary waiver of the requirements, for such period as the Secretary deems appropriate, where (i) the facility's failure to fully comply with the requirements is attributable to a temporary shortage of qualified nursing personnel in the area in which the facility is located, (ii) a registered professional nurse is present on the premises to render or supervise the nursing service provided during at least the regular daytime shift, and (iii) the Secretary determines that he employment of such nursing personnel as are available to the facility during such temporary period will not adversely affect the health and safety of patients;

"(B) with respect to the health and safety requirements promulgated under paragraph (9), such requirements shall be applied by the Secretary to the facilities herein defined in such manner as to assure that personnel requirements take into account the availability of technical personnel and the educational opportunities for technical personnel in the areas in which rural health facilities are located, and the scope of services rendered by such rural health facilities; and regulations shall provide for the continued participation of such facilities where such personnel requirements are not fully met, for such period as the Secretary determines that (i) the facility is making good faith efforts to fully comply with the personnel requirements, and (ii) the employment by the facility of such personnel as are available to the facility will not adversely affect the health and safety of patients; and

"(C) with respect to the fire and safety requirements promulgated under paragraph (9), the Secretary may (i) waive, for such period as be deems appropriate, specific provisions of such requirements which if hardship for a rural health facility and which, if not applied, would not jeopardize the health and safety of patients, and (ii) may accept a facility's compliance with all applicable State codes relating to fire and safety in lieu of compliance with the fire and safety requirements he promulgates under paragraph (9), if he determines that such State has in effect fire and safety codes, imposed by State law, which adequately protect patients."

SEC. 2. Section 1861(e)(9) of the Social Security Act is amended by striking out the period at the end and inserting in lieu thereof the following: "; and with respect to the institutions described in the last sentence of this section, meets such requirements relating to long-term patient care policies, services and programs as the Secretary finds necessary."

SEC. 3. Section 1861(v) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(8) Notwithstanding any other provisions of this subsection, the reasonable cost of services furnished in a 'rural health facility' (as defined in subsection (e)) shall be determined without regard to the requirement in subsection (j) relating to a distinct part, and shall be so calculated as to provide proper payment for services rendered to patients requiring inpatient hospital services and services rendered to patients requiring extended care services.".

A TRIBUTE TO FANNIE LOU HAMER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. CONYERS. Mr. Speaker, it will be difficult for future generations of Americans to truly understand the life of Fanny Lou Hamer. Born into poverty in 1917 in Ruleville, Miss., the youngest of 20 children, she became an articulate and compassionate spokeswoman for healing and unity in the Nation.

It will be difficult for the coming generations to comprehend and appreciate the struggles that she had to wage against ignorance and hatred. Perhaps they will have the opportunity to see a film of her challenge to the seating of a segregated Mississippi State delegation at the 1964 Democratic National Convention, or hear a recording of her singing "O, Freedom."

Of Fanny Lou Hamer, it may truly be said that her life was its own reward. She had the courage to challenge injustice, to struggle relentlessly for human dignity, and to speak out in a powerful voice touching the hearts of those around her with her vision of a nation united in its respect for the rights of all its citizens.

Each day of Fannie Lou Hamer's life was motivated by the causes and beliefs that she held most dear, and knew to be most important. Her death will be felt by all those who oppose racism and inequity.

LITHUANIA'S INDEPENDENCE DAY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. EILBERG. Mr. Speaker, I am honored to join my fellow colleagues in the House of Representatives in commemorating the 59th anniversary of the Declaration of Independence of Lithuania.

Lithuania, a nation of 3¼ million inhabitants is situated on the shores of the Baltic Sea. Its long and glorious history is rich in culture and in the pursuance of liberty.

The Lithuanian Kingdom was established in 1251. During the middle ages, Lithuania abounded in human freedom and education, contributing greatly to the development of European civilization. Independence was lost, however, in 1795 when it was conquered by Catherine the Great of Russia.

Lithuania remained under the claws of the "great bear to the east" for over a century. During that time, the Russians tried repeatedly to russify the Lithuanian people, but the latter clung to their heritage and refused to adopt the Russian way of life.

Soon after World War I began, Lithuania was overrun by the army of Kaiser Wilhelm. At long last, on February 16, 1918, Lithuania was returned to the Lithuanian people and 2 years later, a treaty of peace was signed between Russia and Lithuania whereby Lithuania was recognized as an independent nation and Russia renounced forever all rights of sovereignty.

On August 1, 1922, Lithuania adopted a constitution predicated on the principles of freedom of speech, assembly, religion, and communication. Lithuania almost immediately joined the League of Nations and systematically instituted sweeping land reforms, increased its industrialization, and enlarged its commitment to education. Independence agreed with Lithuania, as these dramatic changes proved.

But the whole world was changing too, and Lithuania was to be one of the victims of this change. Less than a year after the start of World War II, the Supreme Soviet in Moscow arbitrarily declared Lithuania a constituent republic of the Soviet Union, thus abrogating the Treaty of Peace signed in 1920.

Independence may have been lost once again, but Lithuanians have not given up their dream of a sovereign state. Lithuanian patriots have spoken out about their struggle for freedom despite Soviet attempts to suppress all such communications to the Western World.

The House of Representatives has never recognized the forcible conquest of Lithuania by the Soviet Union. I am proud to have cosponsored House Concurrent Resolution 409 in the last Congress, which stated that "there is no change in the longstanding policy of the United States on nonrecognition of the illegal seizure and annexation by the Soviet Union" of the Baltic nations, and which made clear the Congress would continue not to recognize the Soviet actions.

This summer, the United States will be attending the followup Conference on European Security and Cooperation in Belgrade, Yugoslavia. We have another chance to bring the force of world public opinion and the diplomatic power of the Western nations to bear on the Soviet Union's disregard of the human rights provisions of the Final Act of Helsinki. The Commission on Security and Cooperation in Europe, established by the U.S. Congress last year has documented evidence of the Soviet noncompliance with these provisions.

THE RED TAPE REDUCTION ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HORTON. Mr. Speaker, I am today introducing the Red Tape Reduction Act. My bill, a companion bill to one being introduced in the Senate by Senator MCINTYRE, would authorize the President to delay for up to 1 year, the effective date for agency rulemaking. The President could effect the delay, upon request from an agency head, by Executive order. As many of us know, agencies often cite rulemaking deadlines as obstacles to greater public participation in the rulemaking process. Greater public participation in that process and additional time when needed would certainly lessen the number of ill-conceived rules and regulations.

As chairman of the Federal Paperwork Commission, I have seen numerous examples of the problems that can result from unrealistic effective dates specified in legislation. Take, for example, the Employee Retirement Income Security Act of 1974. In this bill, which was intended to safeguard private pensions and promote the availability of sound pension and retirement plans, Congress called on IRS and the Department of Labor to issue regulations within 120 days of enactment. The deadline proved to be totally unworkable. The Department issued regulations which generated mountains of paperwork and demanded the waste of countless man-hours from businesses of all kinds. Ironically, the information required of pension planners proved to be unusable. There are many such examples which I could list.

In most instances, we in the Congress are sufficiently aware of the factors that will determine the ability of an agency to meet a specific deadline. Generally our deadlines are reasonable and can be met. However, we cannot always anticipate all the circumstances that will affect an agency's ability to issue responsible regulations. I submit that we should allow flexibility in the rulemaking process when it can be justified.

The Red Tape Reduction Act, if enacted, would underscore our commitment, and the commitment of the administration to a government that is responsive and efficient. I urge my colleagues in the Congress to support this timely legislation.

A TRIBUTE TO B COMPANY, 2D BATTALION, 108TH INFANTRY, NEW YORK ARMY NATIONAL GUARD

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. McEWEN. Mr. Speaker, I take this opportunity to pay tribute to the Reserve components of our military services, and, in particular, to B Company, 2d Battalion, 108th Infantry, New York Army National Guard for being selected to represent the United States in Great Britain this year. I extend my heartiest congratulations to the commanding officer, Lt. Gary R. Benware and to the members of this unit, located in my home city of Ogdensburg and in Malone, both in New York's 30th Congressional District.

With the decreasing strength of active military personnel, our Nation is placing increasing reliance on the Reserve components to defend this great country, should the need arise. In the Revolutionary War, and in every other war in which this Nation has fought, these patriots voluntarily left jobs, homes and families to come to the aid of our country. At great personal sacrifice they are training today to meet the challenge of the future. That the "citizen soldiers" of northern New York are contributing to this effort outstandingly is evident from the accomplishments of B Company.

The trip to England for joint training exercises with British territorial forces from May 28 to June 12 has been designed by the Department of Defense to correlate the U.S. units with their NATO counterparts. This marks the first time an Army National Guard infantry company from New York has been sent outside the Continental United States for training. B Company is one of two infantry companies, out of more than 200 across the Nation, selected by the National Guard Bureau in Washington for this unique training.

B Company's selection was not at random. Last year at Fort Drum, N.Y., where 80,000 Reserve component soldiers conduct annual training, B Company was selected as the "most outstanding rifle company." In the fall of 1976, B Company was rated by a 1st Army inspection team during a weekend training period and found to be outstanding in all of the categories that they were rated.

B Company has earned this recognition and the honor of representing our country abroad. It is with pride that I salute them and wish them good luck in this venture.

THE CONTINUING NATURAL GAS CRISIS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Ms. OAKAR. Mr. Speaker, I wish to draw attention today to an editorial that appeared in the Cleveland Press on March 26, 1977. The editors of the Press expressed strong concerns over the indifferent attitudes that the chairman of one large gas supplier had expressed with regard to possibility of another severe winter. In a conversation with the Governor of Ohio, James A. Rhodes, Mr. B. J. Clarke of Columbia Gas System, Inc., stated that his firm had no plans to protect against a recurrence of this year's natural gas crisis. In other words, should we be unfortunate enough to experience another harsh winter, there will be additional natural gas emergencies.

The Congress must look closely at this matter and explore ways that we might induce or require fuel suppliers to employ better management and crisis-prevention methods. I do not want the people of Ohio and this great Nation to be forced to shut down their schools, businesses, and factories during another abnormally cold winter season.

The Cleveland Press editorial follows:

COLUMBIA GAS: SAME SONG

Early in February, at the height of the natural gas crisis, 1.2 million workers were idled in the nation.

About 5550,000 layoffs were in Ohio, the worst hit state.

Lack of gas caused many big industries to shut down. Businesses across the state closed or curtailed their hours. School systems told students and teachers to stay home where many of us turned down the thermostat to uncomfortably cold levels.

Those served by Columbia Gas of Ohio, the state's biggest gas supplier, suffered the hardest.

Earlier this week Governor Rhodes called to the Statehouse B. J. Clarke, chairman of Columbia Gas System Inc. Rhodes wanted to know what Columbia plans to do if next winter is as severe as this one.

With one minor exception, Clarke replied that Columbia expects to continue doing what it has been doing.

That response, which could be the blueprint for another disaster, is totally unacceptable.

Luther C. Heckman, head of the Public

Utilities Commission of Ohio, says that a better pipeline system and increased storage capacity are the best ways to get more gas.

But there is no indication that Columbia intends to increase its storage capacity or attempt to gain more control over the pipeline system owned by a sister company, Columbia Gas Transmission.

According to Heckman and an official of the Federal Power Commission, one of Columbia's major problems this past winter was that it "gambled and lost."

Columbia didn't think the winter would be severe and did not prepare for it.

Last fall Columbia sold a large part of its reserve supply of gas, betting it could still get by a normal winter. Columbia lost that bet, with disastrous results.

And now Clarke tells the governor he doesn't intend to do anything much different next winter.

A bristling Rhodes said he wasn't satisfied with that answer, nor are we.

The governor told Clarke to come back next week with a detailed written report.

All Ohioans ought to be interested in whether Columbia intends to change an operating system that obviously does not leave it prepared to serve this state adequately in difficult times.

TORRANCE, CALIF., HONORS ITS SCHOOL EMPLOYEES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DORNAN. Mr. Speaker, I would like to call the attention of the House of Representatives to a fine action on the part of the citizens of Torrance, Calif. On April 22, the Association of Torrance School Administrators will host the sixth annual employees recognition banquet for the retiring employees of the Torrance Unified School District. This year, more than 300 citizens will attend the banquet to let their school employees know that their work and dedication over the years has not been forgotten.

I would like to take this opportunity to join with the people of Torrance in paying tribute to these fine Californians for a job well done.

Among those to be honored are:

Mrs. Ouida M. Edwards, High School Assistant Principal's Secretary.

Mrs. Edna W. Aronson, Elementary School Teacher.

Mr. Jay W. Morgan, High School Assistant Principal.

Mrs. Fern O. Fortney, Stenographer.

Mr. Neil P. Carter, Custodian.

Mr. George W. Donnelly, High School Teacher.

Mrs. Elizabeth Griswold, Elementary School Teacher.

Mr. Kerwin M. Hill.

Mrs. Marie H. Smoyer, Clerk Typist.

Mr. Alex C. Such, Head Custodian.

Mr. Jackson W. Thomas, Master Custodian.

Mr. John Torrico, Custodian.

Mrs. Charles E. Williams, Project Leadman.

Mrs. Dorothy W. Hood, Speech Therapist.

Mrs. Marie C. Icenhauer, Reading Teacher.

Mrs. Elizabeth R. Parrino, Reading Teacher.

Dr. Robert C. Morton, Assistant Superintendent, Personnel.

Mr. Marshall R. Starr, Elementary Counselor.

Mr. Carl B. Edwards, Elementary School Teacher.

Mrs. Frances B. Fox, Elementary School Teacher.

Mrs. Dorothea B. Chandler, Curriculum Consultant.

Mrs. Ethel S. Hoffund, Elementary School Teacher.

Mrs. Virginia S. Lindsey, High School Teacher.

Miss Marion E. Prichard, Elementary School Teacher.

Dr. Wallace B. Magner, Jr., Personnel Coordinator.

Mrs. Helen E. Alter, Senior Stenographer.

Mr. Harvey W. Aton, Grounds Maintenance.

Mr. Oscar Bak, Custodian.

Mrs. Alice E. Brown, Cafeteria Worker.

Mrs. Doris Eleanor Burton, Library Clerk.

Mr. Kenwood E. Christensen, Leadman Mechanic.

Mrs. Dorothy A. Dolan, Cafeteria Worker.

Mr. Virginius D. Gale, Maintenance Mechanic.

Mrs. Lucille R. Gardner, Cafeteria Manager.

Mr. Fred G. Hilton, Assistant Grounds Foreman.

Mr. Richard I. Jenison, Custodian.

Mr. Charley L. McClung, Custodian.

Mr. Earl E. McGrury, Maintenance Mechanic.

Mr. Ray M. Millan, Custodian.

Mr. John E. Mock, Supervisor, Transportation.

Mr. Samuel A. Nelson, Groundsman.

Mr. Bernard B. Parisho, Custodian Foreman.

Mr. Walter E. Pillet, Custodian.

Mrs. Evelyn D. Renz, Elementary School Secretary.

Mrs. Anne M. Scoufos, Housekeeper—Children's Center.

SUMMARY ON PRESIDENTIAL PAY RECOMMENDATIONS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. FORD of Michigan. Mr. Speaker, today I, along with other members of the Ad Hoc Subcommittee on Presidential Recommendations, introduced legislation incorporating the recommendations contained in our report which was issued on March 16, 1977. This bill revises the method by which executive, legislative, and judicial salary adjustments are made and reflects for the most part, the recommendations which have been made by the Members of the House. Following is a brief summary of this legislation:

First. Defers all salary adjustments—quadrennial and comparability—for Members of Congress and the Vice President until beginning of next Congress.

Second. Completely revises section 225 of Federal Salary Act of 1967, as follows:

a. Quadrennial Commission established every 4 years on calendar, rather than fiscal, year basis—1980, 1984, and so on.

b. Members of House and Senators are linked together for pay purposes.

c. Quadrennial Commission must submit its recommendations to President during 7 days of November. President must submit his report to Congress during first 15 days of the new Congress—1981, 1985, and so on.

d. Pay adjustments take effect unless disapproved by either House of Congress. Congress may disapprove all or any portion of recommended rate.

e. Petition may be filed to discharge committee from consideration of a disapproval resolution if committee has not reported such resolution within 15 days after its referral.

f. If majority of Members sign the petition, a privileged motion to discharge committee is in order.

g. After committee has reported—or has been discharged from further consideration of—a disapproval resolution, a privileged motion to consider the resolution is in order.

Third. Provides that Members of Congress, Vice President, Federal judges, and all individuals paid under the executive schedule may not receive an annual comparability increase for any year in which a quadrennial increase occurs.

A SUGGESTION FOR FDA: GET OFF OUR BACKS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. O'BRIEN. Mr. Speaker, since the Food and Drug Administration announced its proposed ban on the sugar-substitute saccharin, the people of this country have risen up with a single voice like no other situation I am aware of.

A remarkable degree of unanimity has also marked the commentary of the Nation's press on the FDA proposed ban.

I would like particularly to draw the attention of the House to the March 18 column of Joe Cappo in the Chicago Daily News. Mr. Cappo, as is his wont, states the problem most succinctly: Get off our backs:

A SUGGESTION FOR FDA: GET OFF OF OUR BACKS

(By Joe Cappo)

The Food and Drug Administration did not go far enough when it proposed to ban saccharin from the market.

If saccharin is dangerous to the health of Americans, no one should have to propose anything. The product should simply be confiscated, yanked off the shelves of all of the stores in the country.

But we haven't seen the FDA do that, have we? No. Instead, it sends up a trial balloon, stating that perhaps saccharin should be banned. I have the impression that, if there is enough ruckus from saccharin users, then the FDA will probably find some excuse for not implementing the proposed ban.

(Maybe that is only wishful thinking. I must admit that I am a saccharin user, not because of any medical reasons, but because I try to save a few calories here and there.)

Some observers have said the research on which the proposed ban is based is a bit weak. The scientists pumped large amounts of saccharin into experimental rats and determined it can cause bladder tumors. Not being a scientist, I cannot dispute the scientific findings, although I wonder why an agency of the U.S. government should base a proposed ban on research conducted by a Canadian laboratory.

I am not going to repeat the old saw about how a person would have to drink 800 cans of diet soda every day in order to duplicate the dosage of saccharin that was administered to rats. There are probably some teenagers around who can consume that much soda.

The question I have is this: Why is the FDA harping on saccharin?

If the FDA were forced to be realistic about the matter, it would have to ban cigarets as being more of a cancer threat than saccharin. Congress has even banned cigaret advertising from radio and television. The Surgeon General requires a special warning to appear on every pack of cigarets and on every advertisement. And yet the FDA has not banned cigarets.

Unfortunately, the FDA is not forced to be realistic. It is charged with enforcing a nebulous rule called the Delaney clause, which commands the agency to ban any food additive that is found to cause cancer in humans or in animals.

Saccharin is only the most recent case. A couple of years ago, another non-nutritive sweetener, cyclamate, was also found to cause cancer in rats. The scientific data in that case also has been disputed, and the matter is still unsettled.

I think the Delaney clause is discriminatory because it singles out food additives that cause cancer. Why doesn't it mention other items that cause cancer? And why should we have special rules about cancer that do not apply to other illnesses?

Heart disease, kidney disease, drunk driving and other things will kill you just as dead as cancer.

I think the best perspective in this situation was put forth by a scientist who worked on the cyclamate data. He compared the heavy dosages fed to the rats with someone driving a car at 150 miles an hour. It is dangerous to drink 800 cans of diet pop a day, and it is dangerous to drive a car at 150 miles an hour.

THE PROBLEM IS EXCESS

At the same time, a prudent person might live to a ripe old age if he or she drove at no faster then 55 miles an hour and drank no more than, say, 200 cans of diet pop every day.

What the FDA and the Delaney clause fail to recognize is that it is not the product itself that causes the harm, it is human excess that causes it.

Saccharin is a beneficial product for many people, particularly diabetics. I'll bet that most diabetics would accept the marginally increased chance of contracting cancer rather than give up their daily use of saccharin. And the choice in this matter should be left to them and their doctors, and not to the FDA.

I am getting more than a little tired of government agencies and the courts grinding out a constant flow of edicts about what we can eat, drink, see or do. And because of that, I am going to cut this column out of the paper and mail it to the Commissioner, Food and Drug Administration, Parklawn Building, 5600 Fishers Ln., Rockville, Md. 20852. And I'm also going to send another copy to my congressman.

How about you?

ERISA HEARINGS CONTINUE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. GIBBONS. Mr. Speaker, today I am announcing for the record the continuation of hearings on the enforcement of the Employee Retirement Income Security Act of 1974 on April 5, at 8:30 a.m., in Cannon House Office Building, room 334. At that time the Wavs and Means Subcommittee on Oversight will resume its examination of how the Teamster Central States Pension Fund has been regulated.

Invited witnesses include the Secretary of Labor and the acting Commissioner of the Internal Revenue Service. The subcommittee is especially interested in the revocation by the IRS of the tax-exempt status of this fund and in developments announced by the agencies on the day before the March 14–15, 1977, hearings of the subcommittee.

The inquiry was initiated by subcommittee member J. J. PICKLE, Democrat of Texas.

The hearing will begin in open session and all testimony, including written statements, will be taken on the record under oath.

CONGRESSIONAL REFORM

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. KASTEN. Mr. Speaker, almost every opinion poll taken in recent years demonstrates that the American people have become alienated from their Government. Problems facing our country today are far too serious to allow a gulf of suspicion to continue between the people and their elected representatives.

The 95th Congress must reform itself and the procedures by which it operates in order to regain the trust and confidence of the American people.

Adoption of the Code of Ethics was a first step in that direction. I believe, however, that there are several other reforms which are needed before we can convince the people that we are here to serve their interests, not to perpetuate ourselves in office.

Earlier this week, I introduced a constitutional amendment to limit the terms of Congressmen and Senators. Adoption of my amendment would insure that our elected representatives cannot remain in office so long that they lose touch with the people they serve.

Today I am introducing legislation to reform the manner in which pay raises are allowed for Members of Congress and a bill to require a full audit of all expense and personnel records of the House of Representatives.

REQUIRE PAY RAISE VOTE

There was nothing right about the way in which the recent $13,000 pay raise was accomplished. Due to the sensitive nature of the issue, a recorded vote of the House was both necessary and proper.

However, the procedure for increasing congressional salaries had been shrewdly devised so that no Member needed to record his or her vote on the merits of the raise. Since no congressional action was taken to disapprove of the salary increase, it automatically took effect.

Such a procedure makes a mockery of any talk of restoring trust in elected officials. In fact, it denies the most basic element of the American system of government: Accountability to the people.

Mr. Speaker, we cannot allow this back-door pay raise procedure to continue, particularly when another cost-of-living increase is scheduled for October. Accordingly, I am introducing legislation which would require a recorded vote of the membership before any future salary increases, including cost-of-living raises, can become effective.

My bill will also delay implementation of any congressional salary increase until the next Congress. This way, no Member of Congress can benefit from a pay raise until he or she has met the test of the voters.

GREATER ACCOUNTABILITY NEEDED

I also believe it is important that we guard against misuse of public funds by Congressmen. The scandals of the 94th Congress will continue to haunt us if we do not insist upon greater accountability of the tax dollars spent by individual Members.

One of the glaring omissions in the recently approved code of ethics is its failure to require a complete accounting of the tax dollars spent to operate Congress. With Congress spending about $1 million per Member per year, it is imperative to have a full and complete audit of Members' accounts. Congress must be held publicly responsible for its spending practices. These records must be available for public examination.

I am introducing a bill which would require a full and complete audit of all expense and personnel records of individual Members and committees of the House of Representatives. Results of the audit will be made available to the public.

As I mentioned in my opening remarks, I believe it is time for Congress to bridge the gap between its actions and the feelings of the American people. We can only do this if the people believe we are making a serious effort to correct the abuses which have fostered the distrust and alienation in the first place. I believe the reform proposals I have introduced this week will help us accomplish this goal. I urge their prompt consideration and adoption by the House.

ENERGY DEPARTMENT VITAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BOLAND. Mr. Speaker, the Arab oil embargo of 1973 made all Americans acutely aware of a problem that experts had seen for years; that our supply of energy is not keeping up with our ever-increasing demand. In the 3½ years since the oil embargo there have been spot shortages of gasoline and natural gas, electrical blackouts and browncuts, thousands of articles and books on the subject and constantly higher prices for all types of energy. There has not, however, been a single national energy policy. This situation is about to change.

President Carter has sent to the Congress his proposal for reorganization of the various energy agencies. Under this proposal, the more than 50 different Federal agencies that currently handle energy matters will be replaced with a single Department of Energy. This new Department will combine the present

Federal Energy Administration, the Energy Research and Development Administration and the Federal Power Commission under one roof. It will also provide the United States with a comprehensive national energy policy. I believe this reorganization has been needed for a long time and I am one of the sponsors of the President's proposal, now before us, as H.R. 4263.

Over the past few years there have been some fine efforts by companies, local groups, various States, and individuals in the area of energy research and conservation. On the Federal level, however, there has often been confusion and inaction. Private developers and researchers have often been frustrated in their efforts to secure Federal funds and assistance by a morass of complicated, often overlapping programs. Our national energy programs have dashed off in all directions with no central coordination. This new Department of Energy will provide the vital element of coordination. This Department will also supply national leadership in the area of energy development, research and, most importantly, conservation.

Mr. Speaker, this country has faced and overcome many difficult problems in the past and I believe we can find solutions to our energy problem. The answer will not be an easy one and it will involve an effort by every American. The establishment of an Energy Department is just the first step in meeting the energy problem head on. The next step will be the formulation of a national policy that will take all of our energy needs into account and provide a workable program for the future. Nothing less than our way of life is at stake.

At this time I would like to include a recent editorial from the Springfield Daily News that expresses views held by millions of Americans:

CONGRESS AND ENERGY

The President's proposal for a new Department of Energy can be viewed as his most important piece of legislation so far.

By consolidating the government's energy functions under one roof, under the direction of James Schlesinger, the stage will be set for development of a long-range program worthy of its name.

Congress is responding to public opinion and acting on a new code of ethics for Capitol Hill. If there is not the same public demand for an energy program, this does not mean that Congress can afford to procrastinate on this proposal from the President.

If we don't deal with the energy problem while there is still time, it will be too late tomorrow.

THE SAN MARINO HISTORICAL SOCIETY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ROUSSELOT. Mr. Speaker, the 1976 American Revolution Bicentennial celebration spurred a sense of pride from sea to shining sea. From the smallest rural community to the largest cities our citizens expressed their feeling for the quality of our land and the accomplishments of our people in redounding glory. My hometown of San Marino, Calif., was no exception to the enthusiasm that brought forth a national exhibition of gratitude for the courage and fortitude of those who secured the blessing of liberty for America. The San Marino Historical Society planted red, white, and blue flowers in the heart of the city and named this colorful display the "Bloomin' Flag."

FOUNDING

The San Marino Historical Society was founded, appropriately enough, on July 4 in 1973 when Mrs. Jack E. Sherwood sent a letter to the editor of the San Marino Tribune proposing the founding of a historical society to honor the Nation's Bicentennial in 1976. Midge Sherwood became the founding president and those who served on the first board were Mrs. Alexander F. Smith, Mrs. Clifford V. Stadler, Mrs. Thomas Paine, Mr. James Carriel, Mrs. Breitkreutz, Dr. Ed Carpenter, Mr. Paul E. Dobbins, and Mr. Donald Duke. With a total of 60 members in 1973, the San Marino Historical Society now has over 300. One of the society's first official acts was to appoint a Bicentennial activities committee and hold a town hall meeting for the purpose of gathering suggestions for the Bicentennial.

BLOOMIN' FLAG

The society launched their Bicentennial salute in November of 1975 with the dedication of a living American flag in flowers. Planted in a 40 feet by 30 feet bed on Huntington Drive at Sierra Madre Boulevard, the flag still stands as a testament to the loyalty felt by the citizens of San Marino to the United States of America.

AWARDS RECEIVED

The society received three awards which I would like to bring to the attention of my colleagues. The Bicentennial Commission of the State of California awarded the society a certificate of recognition "for its founding as a salute to the 200th birthday of the United States of America." In February of 1974, History News, a magazine published by the American Association of State and Local History, cited the San Marino Historical Society as the first historical society in the Nation to form in honor of the Nation's Bicentennial. Finally, in May of 1976, the society recieved a Bicentennial Award of Merit from the Conference of California Historical Societies.

FUTURE PLANS

Mrs. Alexander F. Smith is now presiding as president of the San Marino Historical Society and they continue to remain active in the community.

A recent issue of Grapevine published by the Society relates plans to organize tours of historical points of interest in the city. A training course is planned for the tour leaders who will then make themselves available to interested groups and individuals. The society has also formed a speakers' bureau composed of local citizens who have researched various topics and make presentations at group meetings.

PRESIDENT CARTER SUPPORTS H.R. 3361, THE PUBLIC PARTICIPATION IN FEDERAL AGENCY PROCEEDINGS ACT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. KOCH. Mr. Speaker, I am delighted to bring to the special attention of my colleagues the testimony of Barbara A. Babcock, Assistant Attorney General, Civil Division, on H.R. 3361, the Public Participation in Federal Agency Proceedings Act of 1977. In her oral testimony before the House Administrative Law Subcommittee, Ms. Babcock announced the support of the President and of the Department of Justice for this important piece of legislation. As one of the chief House sponsors, I welcome the President's endorsement and I believe the Members of the House, 87 of whom are already cosponsors, will follow the President's lead in committing ourselves toward the opening up of our Federal agencies to direct citizen access.

The text of Ms. Babcock's prepared remarks follow:

H.R. 3361

(Statement of Barbara A. Babcock, Assistant Attorney General, Civil Division, before the Committee on the Judiciary, Subcommittee on Administrative Law and Governmental Relations, House of Representatives)

Dear Mr. Chairman:

As Assistant Attorney General for the Civil Division of the Department of Justice, I welcome the opportunity to lend the Department's support to H.R. 3361, the "Public Participation in Federal Agency Proceedings Act of 1977." The Bill is an important step in implementing the policies espoused by the new Administration: President Carter's ideal of creating an "open government," Attorney General Bell's goal of facilitating "access to justice." We heartily concur with the many distinguished witnesses who, in these and other hearings, emphasized the importance of increased citizen participation in agency proceedings. The practical and symbolic significance of opening agency processes to public patricipation is widely acknowledged. Broader representation increases governmental accountability, expands the constituency regularly appealing to government agencies, and helps to counteract public skepticism and alienation. It also contributes to more informed, better reasoned, decisionmaking.

Unfortunately, the goal of active public participation in agency proceedings has not been adequately realized, largely because of the costs entailed in taking part in such hearings. Actual participation in and access to agency decisionmaking by the public-at-large is minimal. We need far more balanced representation to correct a tendency for segments of the public-at-large to be unrepresented in agency proceedings. H.R. 3361 seeks to remedy this underrepresentation by removing, to some extent, the financial impediment to public participation. The Bill does this in two ways: proposed Section 558a directs agencies to award attorneys' fees and costs to eligible groups or persons who participate in certain administrative proceedings; proposed Section 707 directs courts to award attorneys' fees and costs to qualifying parties who participate

in court proceedings reviewing agency actions.

We regard H.R. 3361 as a reasonable response to a substantial problem affecting administrative and public law. At present, each agency decides whether it has authority to award attorneys' fees and costs to persons acting in the public interest. Determinations of eligibility and amount, if made at all, are rendered without legislative or regulatory guidelines. Inequality of treatment from agency to agency compounds the unfairness of effectively precluding many groups from participation in the administrative processes. H.R. 3361 addresses this problem by authorizing awards and by providing general standards for determining eligibility and amount. At the same time, the Bill allows sufficient flexibility to enable each agency to tailor its implementing regulations to its own special needs. For example, in outlining several criteria for determining whether an applicant will make a substantial contribution to the decisionmaking process, the Bill recognizes the authority of differing agencies to consider a variety of additional relevant factors. Similarly, the Bill provides an open-end definition of the proceedings to which it applies, thereby leaving that decision to agency discretion. The Bill is designed to encourage experimentation and we support its approach, at least in the early stages of implementation.

The FTC's experience with the Magnuson-Moss Act highlights the wisdom of H.R. 3361. In a recent Senate hearing, the Chairman of the Federal Trade Commission, Calvin Collier, testified that the availability of attorneys' fees increased public participation in trade regulation rulemaking proceedings and produced substantial benefits to the effectiveness and integrity of the decisionmaking process. In particular, he recounted a number of specific examples in which financial assistance enabled public interest groups to conduct studies, develop ideas, and present facts and arguments that neither the industry nor agency staff had presented. Based in part on this experience, Mr. Collier praised the contribution of public interest advocates. No agency, no matter how well-intentioned, can be confident that its view adequate represents "the public interest." The public interest is a conglomeration of interest and is best served by the airing of all responsible views.

The results of implementing the FTC program are illuminating in yet another respect. The problems envisioned by the opponents of H.R. 3361 have not materialized under the Bill's counterpart in the Magnuson-Moss Act. Specifically, Mr. Collier noted that the FTC's award program did not cause undue delays in its proceedings. The carefully drafted provisions of H.R. 3361 likewise create little potential for delay. The Bill does not in any way relax legal standing requirements. It minimizes duplication of argument, and allows awards only to those who will contribute substantially to the proceedings. To the extent that the presentation of important and otherwise unrepresented viewpoints leads to longer, and more complete, proceedings, the result can hardly be characterized as undue delay. Indeed, the Bill discourages unwarranted delay, which obviously would prejudice the dilatory party in the eyes of the awarding agency.

The Bill differs from the Magnuson-Moss Act in one critical respect: H.R. 3361 provides for judicial review of award determinations and, in addition, authorizes payment of fees and costs incurred in lawsuits challenging agency actions. Although the Administrative Office of the U.S. Courts questions the wisdom of involving courts in award determinations, the Department of Justice regards these provisions as an improvement over the FTC provision. The availability of judicial review will act as a check against abuses of discretion, preventing, and not simply remedying, poorly-made decisions. Judicial review is necessary also to ensure some degree of uniformity among and within the various agencies.

We agree with Judge Leventhal who, on many occasions, has stated that the proposed legislation will not create an untoward burden on our judicial system. As reflected in the legislative histories of predecessor bills, H.R. 3361 contemplates a narrow and common standard of review, under which the court must determine whether the agency's determination constitutes an abuse of discretion. More importantly, increased public participation will undoubtedly lessen the burdens borne by our courts. More accurate and comprehensive administrative records will avoid the need for repeated remands. In addition, better informed agency decisionmaking may well result in fewer appeals. And though the Bill directs reimbursement for the costs of court litigation, it imposes a function long performed by the judiciary.

We do suggest one clarification to the legislation. H.R. 3361 provides that at the agency level, the "amount and computation" of the award be made "prior to timely participation in the proceeding . . ." The agency may defer its decision temporarily if it provides written reasons why a "prior determination cannot practicably be made." Although the deferral provision is needed to minimize premature and inaccurate computations, the applicant's eligibility for an award generally can and should be made prior to the commencement of the proceeding. We therefore urge that the Bill be amended to make clear that when the deferral procedure is utilized, determinations of eligibility can be made apart from and prior to determinations of amount.

We recognize that the two-step approach proposed may in some cases lead to separate appeals from determinations of eligibility and amount. However, even if both determinations were made at the outset, the ensuing proceeding would often give rise to an appeal from the agency's ruling on the merits. Therefore, an appeal from a deferred determination of the amount of an award could, in many cases, conveniently be consolidated with an appeal from agency action on the merits. On balance, then, we think the improvement effected by the recommended change would outweigh any potential drawbacks.

We would further note that actual implementation of H.R. 3361's award program may perhaps reveal the need for a central mechanism to allocate funds under the Bill. As Chairman Collier indicated earlier, the Bill poses several potential problems: First, there may be difficulties, under the congressional appropriations process, in deciding how to divide the funds. Second, decentralization of authority might cause needless confusion in a program that in time could become an important feature of federal administrative practice. Third, an agency might withhold funds from applicants that oppose its policies, and applicants might compromise their positions in an effort to obtain funds.

Finally, I would like to comment briefly on the costs involved in implementing the proposed legislation. First, it is worth noting that the amount appropriated over the next three years is small in comparison with the tax laws subsidization of business interests that incur litigation expenses. And unlike tax subsidies, awards under H.R. 3361 are not granted indiscriminately. The Bill screens out applicants motivated by economic self-interest and compensates those who seek to represent segments of the public-at-large. The Department of Justice joins President Carter in strongly admonishing that we can ill-afford to ignore the need to facilitate public participation in the administrative processes. It is time we kept our promise of access to justice for all, regardless of wealth or social position. H.R. 3361 is a meaningful step in that direction.

LEGAL FEES REIMBURSEMENT ACT

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BROYHILL. Mr. Speaker, I am today introducing the Legal Fees Reimbursement Act of 1977. My purpose for introducing this legislation is to correct what I believe to be a serious inequity in the relationship between the American taxpayer and the Internal Revenue Service.

Specifically, my bill provides for payment by the Federal Government of all reasonable legal fees incurred by the taxpayer in legal actions brought by the taxpayer against the Internal Revenue Service, in which the taxpayer prevails.

Our Federal tax laws have become so complicated that it requires the wisdom of Solomon to comprehend them. Indeed, Mr. Speaker, as my colleagues know, the Supreme Court at times has to decide cases where Federal tax courts have interpreted our tax laws differently.

We read all the time of taxpayer complaints that their tax liability depends on who they talk to at their local IRS office for an opinion.

Increasingly, there are disputes between the American taxpayer and the IRS. The IRS, to their credit, has a responsible conference and appeals process within the service which, for the most part, I believe, deals fairly and responsibly with our Nation's taxpayers.

However, after conferences and appeals, if the taxpayer still believes the IRS has inaccurately figured his or her tax liability, the taxpayer is left with three possible options. The taxpayer can accept the judgment of the IRS and pay the additional tax, he can refuse to pay and have his wages garnished or a tax lien put on his property, or, thirdly, he can contest the IRS decision in court. None of these is a particularly attractive alternative. Resolving the matter in a court of law would seem to be the most responsible option but for the fact that the taxpayer feels he does not have a chance against the seemingly unlimited legal resources of the Federal Government.

Furthermore, under present law, if the taxpayer challenges the IRS in court and wins, the court costs and legal fees in many instances would exceed the tax liability in question. In other words, the taxpayer loses money by exercising his right to question the judgment of the IRS.

What happens in most cases is that the taxpayer in disgust simply gives up and pays the disputed tax, realizing that even if he wins in court, he will probably lose monetarily due to legal fees and court costs. Congress should act to correct the obvious imbalance in the relationship between the IRS and the taxpayer. I believe my legislation is the answer for correcting the present situation. Far from encouraging frivolous suits, my bill simply enables the taxpayer to stand before the courts as an equal with the IRS. If the courts deter-

mine the taxpayer's claim is legitimate, the IRS and the Government will assume all court costs and reasonable legal fees. If the taxpayer is wrong, he will naturally assume his own legal fees and court costs.

If this bill is accepted, I believe the taxpayer will feel that the scales of justice have been returned to a position of balance as they should be.

I would hope that my colleagues will give this legislation serious consideration.

IN SUPPORT OF THE RESOLUTION TO ESTABLISH A STANDING COMMITTEE ON INTELLIGENCE IN THE HOUSE OF REPRESENTATIVES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HAMILTON. Mr. Speaker, the American public has been shocked by recent allegations of wrongdoing on the part of our intelligence agencies. Plots to assassinate foreign heads-of-state, complicity in the overthrow of foreign governments, and cash payments to foreign officials have grabbed headlines. It appears to some people that the situation is out of control. A very necessary discussion of the appropriate role of our intelligence agencies has begun.

No one can doubt that difficult issues have been raised. The covert activities of our intelligence agencies must be restricted, while their legitimate activities, such as the collection of current information on the strengths and weaknesses of any potential adversary, must be upgraded. The way in which we fund intelligence operations must be overhauled. As things stand, most Members of Congress do not know how much money they are allocating or how the money will be used. Other problems, too numerous to mention here, must be faced immediately and forthrightly.

It is my belief that the beginnings of a solution to these problems are to be found in increased congressional oversight of intelligence operations. Therefore, I wish to express my support for the resolution to establish a standing Committee on Intelligence in the House of Representatives. Such a committee would provide us with the kind of systematic oversight of intelligence operations that has been lacking. It would also complement the existing committee in the Senate.

Let me set out very briefly the outstanding features of the proposed committee.

Membership: Membership, patterned after that of our highly successful Committee on the Budget, would be drawn in equal portions from the Committee on International Relations, the Committee on Armed Services, and all other standing committees. This would insure a broad mix of opinion of expert and layman alike. Members would retain their customary committee assignments, but they would be replaced periodically so that no Member would be unfairly burdened.

Authorization and jurisdiction: The fundamental power of the proposed committee would flow from its mandate to handle the authorizing legislation for all intelligence agencies and all intelligence activities of other agencies. Control of the purse would allow the committee to work its will on intelligence policy in a manner consistent with its responsibilities. The committee would also enjoy exclusive jurisdiction over the Central Intelligence Agency, though it would share jurisdiction over other agencies with other standing committees. This wise division of labor would permit sharply focused inquiries and the uninterrupted use of oversight expertise which has already been developed.

Declassification and covert activities: The proposed committee would not be empowered to declassify any information over the objection of the President. It could, however, take its case for the declassification of any information to the full House. Such a procedure would give it a reasonable say in matters of secrecy now solely within the purview of the President. The committee would also not be empowered to restrict covert activities, though it would have a limited advisory function. The power to advise would be sufficient in this case since it would be backed by the power to authorize expenditures.

I believe that many of the excesses of our intelligence agencies could be checked or corrected by rigorous oversight. The present organization of the House, however, has made this all but impossible. Unlike the Senate, which has produced solid results through its single oversight committee, the House has delegated its oversight duties to several committees and has produced very little. Its recent investigations have been marred by dangerous leaks of information and unending disputes over jurisdiction. It has not responded in an orderly way to problems which have been laid before it.

Mr. Speaker, it is apparent that we must not allow this chaotic state of affairs to continue. We have before us today a resolution which would provide a remedy. Let us act on it as soon as possible. The problem of oversight of intelligence operations will only grow worse the longer we delay.

PHILADELPHIA BEGINS LANGUAGE ORIENTATION PROGRAM FOR FIREFIGHTERS IN SPANISH-SPEAKING AREAS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. EILBERG. Mr. Speaker, Philadelphia Fire Commissioner Joseph R. Rizzo has inaugurated a Spanish language orientation program for the city's firefighters stationed in Spanish-speaking areas of Philadelphia. The program began March 26.

The program is being conducted by Oscar Rosario, chairman of the mayor's Spanish-speaking advisory council, and is focusing on an understanding of key Spanish words and phrases.

The purpose of the project is to enable Philadelphia firemen to communicate with Spanish-speaking Philadelphians when responding to a fire or during inspections in their neighborhoods.

There are two sessions planned for each of the four platoons of the eight fire-fighting units in the Spanish sections Philadelphia. The sessions are an hour long each.

NBC'S 3-HOUR SMEAR OF SENATOR JOSEPH McCARTHY—PART IV

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. McDONALD. Mr. Speaker, in the first three parts of my report to my colleagues on the psuedo-documentary produced by NBC to smear the late Senator Joe McCarthy, I dealt primarily with the lies about Senator McCarthy's political activities. Today, however, I would like to present the evidence to refute some of the smears about his personal character.

Early in the 3-hour program Senator McCarthy was depicted as falsifying his war record and of shooting only at coconut trees. Senator McCarthy's former commanding officer, retired Col. Glen L. Todd, was located by the National Enquirer. He told their reporter:

First of all everything was flattened on Guadalcanal before we even got there. There weren't any coconut trees anywhere near us. Besides we were in a war zone, and in a war zone, you don't allow people to go around shooting guns off—especially a machine gun.

Todd went on to say:

I served with Joe McCarthy in a dive bomber squadron during WWII. I was an executive officer part of that time and his commanding officer for the rest. We fought together on Guadalcanal, Bougainville, and Munda in the South Pacific. Mac was a captain and the squadron intelligence officer. And believe me, he was certainly no coward. He was a brave Irishman. And he did a great job for us. He was a hell of a man.

As only some of the interview was used in the excellent article published in the Enquirer, I would like to make available to my colleagues some of the additional statements made by Colonel Todd. He said:

There were no milk runs on Guadalcanal. It was a pretty hot war out there, and at that time we were losing about 30 percent of our planes. We were getting jumped on all the time by Jap Zeros. Our planes were sluggish—could only fly about 120 mph—and the Zeros were highly maneuverable and could zip along at about 300 mph. Those certainly weren't milk runs—but Mac flew on those kind of missions. He didn't have to go out on any missions—wasn't paid to do it, like I was. He did it because I asked him to—and he realized it would make him a better officer.

It was always my feeling that an intelligence officer who never goes into combat can't interrogate pilots who came back from combat. I thought flying a few missions would give Mac a good idea of what people were seeing and doing. That way, when he interrogated flyers, he could do it in a professional manner.

The first Time Mac went up, he went up with me—and, as I said, he did it because I asked him to.

The other missions he flew he did because he wanted to do it. Sometimes I'd see him climbing in the gunner's seat of a Douglas Dauntless like a naughty boy. He knew he shouldn't be there, but he wanted to go.

I don't really know how many missions Joe flew, but I was the one who recommended him for his 2 Air Medals. At that time you could get an Air Medal for every five missions flown—and if you ever flew as a passenger in a hospital plane, that counted toward the five missions. But I didn't count any mission Mac flew unless he got fired on or his plane did some dive bombing.

Since I recommended Mac for 2 Air Medals, I know he flew at least 10 missions—I think the number was 12.

Another of the men who served in World War II with Senator McCarthy, Ken Smedley of Santa Barbara, Calif., told the Enquirer:

Joe McCarthy flew with me on several missions, and I felt just as secure having him back there in the gunners seat as I would have with a regular gunner.

Joe didn't have to fly at all—he wasn't even a gunner. He flew the missions because he was the intelligence officer and he wanted to get a better perspective of what we were being confronted with.

As far as I'm concerned Joe McCarthy always conducted himself as a fine, upstanding officer and gentleman—and he was my friend.

Senator McCarthy received the Distinguished Flying Cross, the Air Medal with four clusters, and the Navy Commendation Medal with a V, which shows that it was awarded for combat operations.

Adm. C. W. Nimitz in awarding the Commendation Medal to Senator McCarthy wrote that it was—

For meritorious and efficient performance of duty as an observer and rear gunner of a dive bomber attached to a Marine scout bombing squadron operating in the Solomon Islands area from September 1, to December 31, 1943. He participated in a large number of combat missions, and in addition to his regular duties, acted as aerial photographer. He obtained excellent photographs of enemy gun positions, despite intense anti-aircraft fire, thereby gaining valuable information which contributed materially to the success of subsequent strikes in the area. Although suffering from a severe leg injury, he refused to be hospitalized and continued to carry out his duties as Intelligence Officer in a highly efficient manner. His courageous devotion to duty was in keeping with the highest traditions of the naval service.

C. W. NIMITZ,
Admiral, U.S. Navy.

Commendation Ribbon Authorized

Similar letters of commendation were written for Senator McCarthy by other commanders of combat forces in the Pacific, including Maj. Gen. H. R. Harmon, of the U.S. Army, who commanded all of the Army, Navy, and Marine aircraft in the Solomon Island area; and Marine Maj. Gen. Field Harris, who was the Marine Corp assistant-commandant—air.

Senator McCarthy's war record is clear. He served his country well when it needed him. It is particularly offensive when a Peter Boyle, a writer and actor in Jane Fonda's anti-American show, aimed at weakening the will of the American troops to fight in Vietnam, denigrates the combat record of a good American.

DR. E. F. SCHUMACHER VISITS CONGRESS

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ROSE. Mr. Speaker, on Monday, March 21, the Congressional Clearinghouse on the Future sponsored its third "Dialog on America's Future," and Dr. E. F. Schumacher was our guest.

Concluding a 6-week visit to our country, Dr. Schumacher, a British economist and author of "Small Is Beautiful: Economics as if People Mattered," told us that he believes there is a tremendous interest among our constituents in his concept of intermediate technology.

Dr. Schumacher said:

Political leaders—governors, state legislators, mayors—greeted me at each one of my stops this year. Two years ago only one governor (Brown of California) was interested in what I was saying.

Mr. Speaker, this visit of Dr. Schumacher's has generated much interest in the press. In the Washington Star of March 22, William Delaney wrote an article about our meeting, and Newsweek of March 28, discussed his visit to the United States.

I am pleased to insert these two articles into the RECORD today:

[From Newsweek, Mar. 28, 1977]

MR. SMALL

When he spoke at the Civic Center in Helena, Mont., British economist E. F. Schumacher thought 200 people might come. Instead, 600 showed up, and some had to stand in the hallway to hear him talk. At the Science Museum of Minnesota, he drew enthusiasts from all over the state, and dozens of people were turned away. At a session with California state employees in Sacramento, the audience overflowed onto the floor around Schumacher's lectern, sitting cross-legged like kindergarten students at story time. In fact, almost everywhere he has gone on a 43-day, twelve-state tour of the U.S., Schumacher, who wrote "Small Is Beautiful" three years ago, has attracted large crowds. This week he speaks to more than 100 congressmen in Washington and may get to see Jimmy Carter, who read Schumacher's book a couple of years ago. "I didn't set out to start a movement," he says, slightly puzzled by his fame and following. "Strangely, people took up my ideas."

Perhaps it's not so strange. Schumacher stresses the need to conserve resources and limit economic growth—a message that apparently appeals to a nation that has just experienced a natural-gas crisis and is still in the grip of a serious drought. The rest of Schumacher's message is considerably more controversial—nothing less than a full-scale assault on conventional economic wisdom. Economists, he says, have established material growth as the most important measure of social progress. They assume that a person who consumes more is automatically better off than someone who consumes less. Schumacher, 66, who spent twenty years as chief economist of Britain's National Coal Board, believes economists need a new set of values, and in a brief chapter in his book, he compares the economics of materialism to an economic system he derives from Buddhism. "While the materialist is mainly interested in goods, the Buddhist is mainly interested in liberation," he has written. Since consumption is merely a means to well-being, the aim of the Buddhist should be to obtain maximum well-being with minimum consumption.

The best way to do that, he says, is to develop what he calls "intermediate" or "appropriate" technology—an idea especially useful in the resource-short countries of the developing world. One example: Nigerian villagers use a $16 hand-operated metal-bending device to make agricultural tools; the cheapest machine available to do the same job costs $1,750 and requires electricity. Even in highly developed countries like the U.S., Schumacher maintains that appropriate technologies—solar heating, smaller farms and waste-recycling systems, for example—are needed to stave off energy shortages.

He also believes that industrialized nations must produce more efficient and durable products, preferably by a less automated, less dehumanizing technology.

Colonialization: Schumacher's following is strongest in rural areas, where the determination to live independently of big government and big business runs deepest. In his low-key, witty way, he warns small-town audiences to resist "colonialization by the big metropolitan areas." An example of that trend, he told the Helena crowd, is Montana's practice of exporting timber and sending cattle out of state to be slaughtered—and then importing furniture—and meat. Rather than doing business in a roundabout way like that, Schumacher believes industry should decentralize into smaller, self-contained units.

Schumacher admits that it may be a while before his ideas inspire change in the U.S., where bigger is generally deemed better and growth is an intrinsic part of the business ethic. But he notes that California Gov. Jerry Brown, one of his earliest fans, recently established an Office of Appropriate Technology. A National Center of Appropriate Technology has also been set up in Butte, Mont., and on Schumacher's U.S. tour, dozens of people have requested advice on everything from alternate energy sources to intensive gardening (a French system of deep rooting and tight planting that produces high yields on small plots).

There is a definite religious element to Schumacher's disclosure on the uses of smallness, especially his conviction that a technologically muscle-bound world must get back in touch with its spiritual needs. Schumacher, a convert to Catholicism, delivered a sermon at San Francisco's Grace Cathedral earlier this month. But the Englishman disavows any desire to be America's newest guru. Like Emerson, he emphasizes the old-fashioned virtue of self-reliance and practices what he preaches. He grinds his own flour, bakes his own bread and grows his own vegetables on a 4-acre plot in Caterham, a village 20 miles from London. One of his few concessions to technology is an electric wheelbarrow. But that, says Schumacher, is appropriate technology for an elderly man with a bad back.

[From the Washington Star, Mar. 22, 1977]

THEORY TO "THINK SMALL" DRAWS RAPT AUDIENCE

(By William Delaney)

The author of "Small Is Beautiful," concluding a six-week North American tour by meeting with President Carter at the White House today, reports "an amazing groundswell" of interest in his ideas "from all strata of society—not just the counter-culture types.

"When I came here 2½ years ago," German-born British economist E. F. Schumacher told a group of congressmen yesterday, "only one governor (California's Jerry Brown) was interested. I supposed the country was then still groggy from what I call

the Viet-gate syndrome. Now they're all interested."

At yesterday's midafternoon gathering, sponsored by a bipartisan Capitol Hill study group that calls itself the Congressional Clearinghouse on the Future, an audience of about 50 members of Congress, their spouses and aides listened with obvious interest as the tall, silver-haired Schumacher peppered them with ideas on everything from brickmaking in Nigeria to bakeries in Canada.

The thrust of his argument is that our economies and the technologies they offer are almost invariably geared to giant-scale endeavors that promote even more giantness, are increasingly energy-inefficient and often do not provide what the people—especially the poorest people—really want.

"It costs as much now to ship a brick 200 miles as it does to make it," he said. Yet Schumacher said Britain's brickmakers, with their works concentrated in Bedfordshire, were "appalled" when he suggested that they set up mini-brickworks around the country, saving in transportation costs and dispersing jobs.

Population dispersal, localism and self-sufficiency are key tenets of his philosophy—a philosophy that he told Charles Rose, D-N.C., and leader of the study group, he felt Carter would tend to appreciate, although he said he "hadn't a clue" as to what direction their talk today would take.

Farm-equipment makers are designing $80,000, air-conditioned tractors for the 1980s and 1990s, he told the attentive congressmen, while no attention is being given to designing equipment that would be both affordable and more efficient for the small farmer.

"You see," he added, "how technology is moving away from the people."

In seeking relatively inexpensive alternative energy sources in North Pakistan, something to take advantage of the area's small streams, Schumacher discovered that the last small-scale turbine had been designed in England in 1902. Technology had long ago moved on to provide far bigger, more expensive solutions.

In his brief talk and his response to questions from the congressmen, Schumacher made the following observations:

"In half the country (the United States), people are really worried about water."

"There is in the country so much readiness for voluntary efforts. You need direct human contact in programs like welfare. The government is good at collecting money but not at spending it."

Academics tend to view urbanization as a good force, yet themselves have not adequately treated it as a question. "Millions feel trapped in cities." Only West Germany, with its 12 "high-culture" cities, has had "a proper pattern of settlement."

Decaying urban neighborhoods should be reconstructed by the residents themselves, adapting an idea from developing nations that have discovered that "development" enriched outside, international construction firms.

"The poor people in rich countries pay to the rich in poor countries." Foreign assistance should be "about poverty—not development, but poverty."

"I notice a great deal of uneasiness (toward the 'small is beautiful' concept) with the managers of the big companies. There is very little, as yet, active imagination. Market forces have no imagination."

Schumacher referred several times to the federal government's $3 million National Center for Appropriate Technologies in Butte, Mont., but told the group he felt the role of the government should be to give the movement "a fair wind, to show interest. . . .

"A little money channeled this way wouldn't hurt. But I wouldn't want to see this bureaucratized."

One of few questions for which he did not have a ready answer was that of Albert H. Quie, R-Minn., as to how his ideas could improve education.

But soon he was talking admiringly of the mix of work and learning in China. "Work has to be brought back into the school." He spoke disparagingly of excessively book-oriented education, of huge consolidated schools, and suggested that children and teachers could be making their own furniture, growing their own food.

A SENSIBLE NATIONAL WATER POLLUTION POLICY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. OTTINGER. Mr. Speaker, the House will soon be asked to decide the fate of the Corps of Engineers program for regulating dredging and filling activities in the Nation's waterways and wetlands.

At present, the corps has the authority, under section 404 of the 1972 Clean Water Act, to regulate by permit dredging and filling operations in all waters of the United States. Under legislation (H.R. 3199) marked up last week by the Public Works Committee, the corps' section 404 authority would be limited to commercially navigable waters, adjacent swamps and wetland areas, and coastal wetlands. This new provision would exclude 98 percent of stream miles and 80 percent of swamps and marshes from Federal protection.

The Public Works Committee bill is expected to reach the House floor next week.

Because of the controversy surrounding the committee's proposed cutback in the section 404 program, the Environmental Study Conference earlier this week sponsored a briefing for congressional staff on the corps' program. Appearing at the ESC briefing were representatives of the agencies and groups that have a strong interest in the 404 issue. I am including for the RECORD copies of information distributed at the briefing by the corps, the Environmental Protection Agency, the National Forest Products Association, and the Natural Resources Defense Council.

I hope this information is helpful to my colleagues in their consideration of the section 404 controversy:

JOINT STATEMENT BY THE CORPS OF ENGINEERS AND ENVIRONMENTAL PROTECTION AGENCY ON SECTION 404

A number of concerns about the Section 404 program have been expressed. Some can be corrected by legislation. Others have little foundation, or are being handled administratively. These concerns are as follows:

A. *Scope of Jurisdiction:* The major expression of opposition to Section 404 has focused on the extent of waters that are subject to its protection. Opponents argue that the program should be limited to the commercially navigable and coastal waters that have been traditionally regulated by the Corps, leaving the responsibility for the remaining lakes, rivers, streams and most of the wetlands to the States. They assert that the Corps lacks expertise to delineate and regulate these additional waters and that its resources will be stretched to such an extent that it will be unable to devote its attention to that narrow category of waters that the Federal government has always protected for navigation. On June 16, 1976, the House of Representatives passed amendments to the Water Act (the Wright Amendment) which would have limited the Corps jurisdiction to commercially navigable and coastal waters plus their adjacent wetlands. However, the Senate refused to concur in this approach, opting instead for amendments that would have retained the broad Federal jurisdiction.

Defense of the broad Federal jurisdiction under Section 404 includes the following points:

(1) Pollution that impacts many forms of commerce is not confined to commercially navigable and coastal waters. Regulation of all waters is required to address pollution at its source.

(2) Even the protection of navigation requires jurisdiction over the tributaries and wetlands that connect to our highways of waterborne commerce.

(3) A roll back in Section 404 jurisdiction will establish a precedent for similar coverage of the Water Act's industrial/municipal permit program even though industries and municipalities have accepted this jurisdiction and are well underway to achieve the effluent limitations imposed in their permits.

(4) Most States and previous Federal programs have failed to adequately regulate aquatic resources as evidenced by the loss of over 50 million acres of wetlands since the nation's formation, with a six million acre loss occurring in the last twenty years.

(5) There is a Federal interest in protecting all waters of the United States, and restoring and maintaining their biological, physical and chemical integrity. The failure of one State to adequately regulate its aquatic resources will adversely affect the resources of other States and the commerce, health and welfare of the Nation.

(6) The Corps has taken administrative steps to handle these additional waters. These include:

The authorization in its regulation of discharges that occur in smaller waters (where flow is less than 5 cfs), provided certain nationwide conditions are met to protect water quality.

The use of areawide general permits with appropriate conditions that authorize categories of discharges in certain designated waters provided those discharges cause minor individual and cumulative environmental impact.

The examination with EPA of various methodologies that can be used to more precisely delineate jurisdiction.

B. *Scope of Review:* Critics of the Section 404 program argue that the scope of review of a permit application includes non water quality related concerns such as wetlands preservation, protection of coastal areas, and endangered species. These concerns are, however, part of the aquatic system and are interrelated with its chemical, physical and biological integrity.

The permit program serves to focus and resolve conflicting national concerns embodied in several Federal Statutes, such as the National Environmental Policy Act, the Endangered Species Act, the Fish & Wildlife Coordination Act, and the Federal Water Act, each of which requires evaluation of particular aspects of the environment during the review of any Federal permit application.

C. *Duplication of Effort:* The Corps regulations recognize that other State and/or local permits or certifications may be required for discharges of dredged or fill material. Provision is made in its regulation for joint Corps-State-local processing of applications or certifications, including joint public notices, public hearings, and environmental impact statements. For non-federal projects, no Section 404 permit is issued if a State or local permit is denied.

A recent, yet uncompleted, survey of existing State programs reveals that only six States have permit programs comparable to Section 404. Section 404 has filled this void in the remaining States, in recent months, and three States (Colorado, Tennessee and Illinois) have asked the Corps to intervene in projects within those States. In each case, the State has indicated that it lacks adequate controls to properly review the activity and to require it to protect aquatic resources from unnecessary degradation or destruction.

D. *Activities Covered:* Several mechanisms have been utilized administratively to regulate Section 404 activities. In addition, and because of misunderstandings that arose during the early stages of the program, the Corps regulation specifically excludes activities that do not involve discharges of dredged or fill material.

The present regulation includes the following provisions with respect to the activities to be regulated or excluded:

Plowing, seeding, harvesting, and cultivating are specifically excluded since these farming, forestry, and ranching activities do not involve discharges of dredged or fill material. (Some activities associated with them, such as road building or levee construction, do involve discharges that can have a deleterious effect on water quality unless performed properly.)

Maintenance, including emergency reconstruction, of fills, such as roads, dams, farm and stock ponds, levees, dikes, and breakwaters, are specifically excluded since these fills have already altered the aquatic system and their maintenance is essential to avoid further alteration.

Bulkheads and fills for property protection less than 500 feet in length are authorized by the regulation, subject to certain specified conditions.

The Corps has prepared a revision to its regulation that is planned for publication in the immediate future. This revision has already been coordinated with the affected Federal agencies, and, in addition to reiterating the above, would accomplish the following:

Authorize through the regulation all discharges of dredged or fill material in streams and impoundments (e.g., most stock and farm ponds) with an average flow of less than 5 cfs, and in natural lakes less than 10 acres, subject to certain specified conditions to protect water quality.

Authorize through the regulation the construction of roads involving discharges of less than 100 cubic yards of material, subject to certain conditions such as the installation of culverts to avoid the disruption of water circulation. According to estimates from the forestry industry, this would eliminate from individual permit requirements at least 90 percent of the forest roads constructed to harvest trees.

E. *Variations in Field Interpretations:* The Corps has decentralized the Section 404 program by assigning its implementation to the 37 District Offices and 11 Division Offices located throughout the Country. This decentralization allows response to the local conditions of each area and enables a closer partnership of review to exist between the Corps and appropriate State and local agencies.

The District's response to local conditions will obviously vary as the local conditions vary. Headquarters guidance is also distributed to insure uniform interpretation of existing policies and laws, and to assist the field offices in responding to the various activities that must be regulated. Some Federal agencies and outside interest groups are assisting the Corps in formulating this guidance. For example, the U.S. Forest Service, through its own initiative, is working with the Corps, EPA, forest and environmental interest groups to formulate specific nationwide guidelines for the evaluation of forest practices involving discharges of dredged or fill material. The Corps and EPA have urged other Federal agencies to assume similar initiatives with respect to their constituents' interests, and to work with it in eliminating misunderstandings about the program.

F. *General Permits:* To relieve potential overregulation, the Corps implemented a general permit program in its regulation to authorize discharges that are minor in nature and that cause insignificant environmental impacts, individually and cumulatively. As of January 28, 1977, 66 general permits had been issued and 93 more in various stages of processing. These general permits include the following activities: roadway fills, logging roads, small impoundments, property and shore protection, and submarine utility lines.

Some have indicated that general permits are a good idea, but may not be legal. Each legislative proposal to amend Section 404 has affirmed the Corps' use of general permits. The legality of the general permit program appears to be sustainable without legislation for two reasons. First, Congress specifically referred to "general permits" in the legislative history to Section 404. Second, a Federal Court has already held with respect to the industrial/municipal permit program administered by EPA under the same Act that it has "wide latitude to rank categories and sub-categories of point sources of different importance and treat them differently within a permit program . . . (and) substantial discretion to use administrative devices, such as area permits to make EPA's burden more manageable". *NRDC. v. Train*, ——; Supp. ——, 7 ERC 1831 (D.D.C., 1975).

The general permit program is new. Some initial confusion can be anticipated. The Corps is sensitive to this situation and has disseminated periodically detailed guidance on the program, including a monthly summary and critique of each general permit that is issued.

STATEMENT ON H.R. 3199 BY THE CLEAN WATER CAMPAIGN, A COALITION OF 21 ENVIRONMENTAL ORGANIZATIONS

H.R. 3199, a bill to amend the Federal Water Pollution Control Act of 1972 (FWPCA), contains several controversial sections which environmentalists vigorously oppose, as well as an authoriztion for funding the construction of sewage treatment plants. The Clean Water Campaign supports funding for sewage treatment plants but opposes H.R. 3199 for the following reasons:

(1) Deliberations over H.R. 3199 are holding up final passage of the Jobs Bill, H.R. 11. The House Public Works Committee has postponed conference on the Jobs Bill until after it takes action on H.R. 3199. In effect, thousands of jobs and billions of dollars are being held hostage by the Committee to controversial, non-urgent amendments to the FWPCA.

(2) Deliberations over H.R. 3199 are holding up additional funding for sewage treatment plants. Although H.R. 3199 would authorize additional funding for sewage treatment plants, the authorization is saddled with other controversial amendments to FWPCA. These controversial amendments have prevented passage of an authorization for the past two years and will continue to do so. According to estimates by the Association of State and Interstate Water Pollution Control Administrators,* approximately 36 states will run out of federal money for the construction of sewage treatment plants by the end of summer 1977. Pollution clean-up and up to 500,000 jobs are affected by this delay. Funding for sewage treatment plants can be added to the final Jobs Bills, as was done in the Senate version, S. 427.

(3) Section 16 of H.R. 3199 would weaken protection of vital wetlands and open a loophole which would allow the disposal of toxic materials in waterways with impunity. Wetlands are the spawning ground and nursery for fish and wildlife, natural water purifiers, and a means of natural flood control. By cutting back federal jurisdiction under Section 404 of FWPCA to approximately 2% of stream miles and 20% of wetlands areas, Section 16 will jeopardize the attainment of clean water and a healthy environment.

(4) Section 13 of H.R. 3199 would extend FWPCA's 1977 requirements for industrial sources, on a case-by-case basis, for two years. This extension is unnecessary, overly broad, and will penalize those dischargers which spent the money necessary to comply. In addition, this section would allow an overly broad extension of FWPCA's 1977 deadline for industries which intend to tie into municipal sewage treatment plants. Although some flexibility is necessary in dealing with industries which do intend to tie in, the exemption in H.R. 3199 is too broad.

(5) Section 12 of H.R. 3199 would allow the delegation of EPA's authority to fund sewage treatment plants to the states without sufficient environmental and fiscal safeguards. It would also remove EPA oversight of state priority lists. In effect, Section 12 creates a block grant program which would weaken the construction grants program and lead to waste of taxpayers' money.

(6) Both the House and the Senate will take up the controversial issues under FWPCA later this year. Other than the authorization for construction of sewage treatment plants, there are no issues in H.R. 3199 which are so urgent that they have to be examined immediately rather than later this year in the context of a major review of FWPCA.

The House Public Works Committee may seek a rule to attach H.R. 3199 to the Jobs Bill, H.R. 11. H.R. 3199 may then be taken to the House floor the week of April 4. The Clean Water Campaign urges the following action:

(1) Oppose attachment of H.R. 3199 to H.R. 11.

(2) Oppose passage of H.R. 3199 and demand immediate conference on the Jobs Bill, H.R. 11. Support provision of funding for sewage treatment plants in the Jobs Bill.

(3) If action is to be taken on H.R. 3199, support amendments to it which will alleviate controversy and better protect the environment. Congressman Edgar has drafted an amendment to Section 16 which would amend Section 404 of FWPCA. This amendment is well-drafted, would alleviate much of the controversy surrounding Section 404, and has the support of environmentalists in the House deliberations Other amendments to Section 12 and 13 may also be introduced.

* States which will run out of funding include: Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

PROVISIONS OF THE ELECTRIC UTILITY ACT OF 1977

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DINGELL. Mr. Speaker, today, I am introducing H.R. 5841, a bill to increase the efficiency of the production and use of electric energy, and for other purposes. I am inserting into the RECORD

the following summary of the major provisions of this bill:

SUMMARY OF MAJOR PROVISIONS OF THE ELECTRIC UTILITY ACT OF 1977

The purposes of the Electric Utility Act of 1977 are (1) to increase the efficiency of generation and transmission of electric power through encouragement of competition, through incentives for efficiency and through prescription of reliability standards; (2) to establish a regional planning mechanism for new facilities; (3) to insure that electric utility rates are designed to minimize energy consumption and the need for new generating capacity, and to provide for reasonable rates to electric consumers; and (4) to provide for greater consumer representation in regulatory proceedings and to provide technical and financial assistance to State regulatory authorities.

TITLE I—IMPROVING EFFICIENCY OF, AND PRESERVING COMPETITION IN, GENERATION, AND TRANSMISSION OF ELECTRICITY

The Federal Power Commission is empowered to establish centrally dispatched power pools the membership of which is available to all electric utilities—private, public, cooperative—within a region and to order, when needed, exchanges of energy, interconnection, wheeling, and other transmission services between utilities. Wholesalers of electric energy are required to report anticipated shortages to their wholesale customers and the effects of such shortages are to be distributed equitably.

The FPC, on its own initiative, can suspend rate increases or order interim rates into effect after preliminary hearings. No more than one interim rate may be in effect at any time except under extraordinary circumstances. Automatic adjustment clauses in wholesale rates are prohibited unless they result from an evidentiary hearing which is held at least once every four years and unless the clause is reviewed every two years to insure maximum economies in operations and purchases. Wholesale buyers may audit records of their suppliers to insure compliance with schedules.

The Federal Power Act is amended to allow the FPC, on its own initiative, to order the cessation of any unfair method of competition. The construction of a bulk power facility (one with a generating capacity greater than 200 megawatts) can be subject to an anticompetitive review by the Attorney General and final permission of the FPC.

In order to improve the reliability of the supply of electric energy, the FPC is ordered to, within one year after the date of enactment of this Act, prescribe rules with regard to such reliability. Likewise within one year after the date of enactment of this Act, the FPC is ordered to prescribe rules for the encouragement of cogeneration.

Finally the Federal Power Act is amended to further restrict interlocking directorates of electric utilities.

TITLE II—COORDINATION OF PLANNING OF BULK POWER FACILITIES

Title II requires all utilities regardless of ownership to prepare annual long-range plans specifying their future bulk power facilities. The FPC is ordered to establish planning areas serving all or part of one or more States for the purpose of coordinating the planning of bulk power facilities. A planning area and this council shall report annually to the FPC on the status of bulk power facility plans within its boundaries.

TITLE III—IMPROVING EFFICIENCY OF USE OF ELECTRICITY

Title III applies to electric utilities whose sales of electric energy for purposes other than resale exceed 200 million kilowatthours in a calendar year.

Utilities are required to set rates based on cost of service (with the exception that "lifeline" rates are permitted) and institute time of day rates to industrial and commercial consumers and to residential consumers if reasonable metering costs are paid by the residential consumer. Utilities are required to provide rate information to consumers in a timely and clear manner and are prohibited from charging consumers for certain types of advertising.

State regulated utilities may not raise their rates unless it is done through an evidentiary hearing or through an automatic adjustment clause. Such a clause must be established in an evidentiary hearing at least once every four years and reviewed every two years to insure maximum economies in operations and purchases. The reviewing authority may audit the records of the utilities to insure compliance.

Electric utilities are required to gather certain data to determine the cost of service. Utilities shall implement load management techniques if they are practicable and cost-effective.

Utilities may not increase rates unless they meet all of the required provisions of Title III. State regulatory agencies must declare to the FPC an assumption of authority to determine compliance of State regulated utilities. Absent such a declaration, and until one is made, the FPC shall determine compliance. State regulatory agencies are instructed to arrive at methods for determining cost of service and to consider implementation of load management techniques.

Participation of consumers and State agencies in ratemaking decisions is authorized and financial compensation by the utility for expenses of certain participants is required if the consumer should prevail.

TITLE IV—CONSUMER REPRESENTATION AND ASSISTANCE TO STATE AGENCIES

The Federal Energy Administrator can make grants to State regulatory agencies for the improvement of staff support and for the development of rate reform initiatives. Further grants are provided for consumer participation. The office is also required to aid State regulatory agencies in technical areas such as load management and cost of service determinations.

An Office of Public Counsel is established to aid consumers who might not otherwise be adequately represented in hearings before the FPC and to participate in other matters before other Federal agencies when their activities significantly affect utility matters. The office can also provide compensation to intervenors who cannot afford to pay necessary costs of intervention.

H.R. 4250—A DANGEROUS BILL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ASHBROOK. Mr. Speaker, on March 23 the House defeated H.R. 4250, common situs picketing legislation, on a vote for 205 in favor to 217 opposed. This bill would have legalized secondary boycotts in the construction industry.

Although sponsors of this legislation said it was designed to provide equal treatment for craft and industrial workers, in actuality it went far beyond that. It would have extended to construction unions strike and picketing rights not enjoyed by other unions.

This point is forcefully brought out in a newsletter prepared by Peter A. Cockshaw, editor and publisher of Cockshaw's Construction Labor News and Opinion. Following is Cockshaw's March issue of Construction Labor News and Opinion:

SITUS PICKETING 1977: A DIFFERENT—AND MORE DANGEROUS—BILL

New situs picketing bill gives unions far more power and creates many unforeseen hazards for contractors.

The new situs picketing bill is being sold by labor and its Congressional allies as one which merely gives construction unions equal treatment and simplifies or clarifies earlier versions. Nothing could be more erroneous, however. The bill is actually a PR smokescreen for legislation that dangerously extends the power of unions while it paralyzes the employer through many unforeseen hazards and pitfalls.

H.R. 3500 (Senate bill is S. 924) has little to do with equal treatment. Instead, it grants uncontrolled strike and picketing privileges to construction unions. It gives them powers far beyond any held by industrial unions and beyond any even contemplated during Congress' last go at situs picketing legislation. The new bill, in fact, is a carefully conceived—and well concealed—attempt to (1) force all American construction employees to become dues-paying members of AFL-CIO unions whether they want such representation and whether they work in states with right-to-work laws (vis-a-vis top-down organization), (2) require that American employers aid such unions in completing such membership, and (3) force the entire construction industry to support the economic and political goals of the Building & Construction Trades Department of the AFL-CIO.

This picture of 1977's situs picketing bill is not drawn by a man given to overstatement or carelessness. It is from one of the most respected labor lawyers in the business—Peter G. Nash, partner in the prestigious firm of Vedder, Price, Kaufman, Kammholz & Day. Nash is a labor expert who earlier distinguished himself as Solicitor of the Department of Labor and General Counsel of the National Labor Relations Board. In an exclusive interview with CLN + O, he analyzed and recapped the most treacherous provisos set forth in the newest version of situs legislation.

DEMOLISHING THE "EQUAL TREATMENT" THEORY

"Labor's 'equal treatment' claim is nothing but a ploy to confuse the public and Congress," Nash points out. "The sooner management clears away this smokescreen, the better." Any legislation intended to provide equal treatment for construction unions simply repeals the special construction exception in Section 8(e) and amends Section 8(b)(4)(B) of Taft-Hartley. This would only permit a union having a legitimate dispute with a general contractor to picket not only that general but all his construction subcontractors at a common site.

"Such a proposal would provide equal treatment and, whether good or bad legislation, it is difficult to object to politically," Nash explains. "Because equality has been the announced intention of common situs picketing legislation for years, it isn't surprising that every President and Secretary of Labor since Eisenhower has endorsed the concept and President Carter has committed himself to sign such a bill."

The bill now in Congress, however, starts off by granting unions more-than-equal picketing and striking powers. It uses this as its foundation and then builds and builds and builds from there.

THE THREE BASIC INGREDIENTS OF H.R. 3500

The latest situs bill has three main ingredients to trigger its biggest guns against an

employer. First off, the basic dispute must be with a proper primary person. Such a primary must be "any of several persons who are in the construction industry . . . and are . . . engaged as joint venturers or in the relationship of contractors and subcontractors in such construction . . . at such site."

To clarify, the primary must be in construction, must be a contractor or subcontractor, must be at the site, and must be engaged in construction at the site. This clearly covers all construction contractors and subs and makes no distinction between them (as there is in industrial disputes).

The definition also covers hospitals, manufacturing plants, department stores, petroleum companies, as well as previously protected governmental bodies (towns, counties, cities, states, federal government) and airlines, railroads, farms, etc., when such owners act as their own general.

Therefore, wherever a facility is its own general contractor in building or renovating, it is "in construction" as a "general contractor," "at the site" and engaged "in construction work at the site." So even the above are proper primaries to trigger picketing of an entire site.

In making an exception, H.R. 3500 does prohibit picketing "directed at a person who is not engaged primarily in the construction industry, who, through individuals regularly employed by that person and represented by a labor organization, is installing or servicing products produced by that person or is doing construction work at a facility owned by that person."

This proviso apparently aims to stop construction unions from raiding or interfering with the work of union industrial workers. Note: Industrial facilities are protected only if they have employees doing the construction work, only if they are unionized and only if they work full-time.

PICKETABLE OR STRIKABLE SECONDARIES

The second ingredient is to have properly picketable or strikable secondaries. H.R. 3500 seems to define such a secondary as "any person . . . at the site of construction."

Under this definition, any industrial employer is a picketable and strikable secondary if construction work is being done at his site. This holds true because there is no requirement for the secondary to be involved in the construction itself, merely that he be "at the site of construction." This could also hold true for anyone else who happens to be "at the site," such as material delivery companies, sales representatives of another company and the like.

Under the National Labor Relations Act, each is a "person" and is "at the site" when performing duties for the construction project or for the operation of the facility itself.

THE REAL PERIL IS THE THIRD INGREDIENT

The bill's third requirement—and perhaps the most treacherous—is that an acceptable dispute exists between the union and the primary, and that the union carry out its strike or picketing in an acceptable manner.

"In my opinion," warns attorney Nash, "this is an illusory requirement on two counts." First, nothing in the bill requires that the dispute have anything to do with the construction work itself or with construction employees. Thus a dispute with a proper primary industrial facility could trigger common situs picketing of construction work that happens to share a site with the industrial employer. Second, the bill repeals all union unfair labor practice provisions of Section 8(b) of the Taft-Hartley Act regarding site picketing activity.

It states that "nothing contained in this subsection (b) shall be construed to prohibit any strike . . . or any inducement of any individual employed by any person to strike . . . at the site of construction . . . directed to any person . . . in the construction industry . . . engaged . . . at such site." This is in striking contrast to the Conference Bill which passed both houses of Congress last term, and which began with the words "Nothing contained in clause (B) of this paragraph . . ."

Last term's version of the bill exempted construction unions from only the secondary boycott provisions of Taft-Hartley H.R. 3500, on the other hand, authorizes picketing and striking at a site without regard for subsection 8(b)—that portion of Taft-Hartley containing all but two of the unfair labor practices that apply to all other unions in this country.

"Accordingly," says Nash, "this bill authorizes a union at a construction site to strike or picket in an unlawful manner and for any of the following otherwise unlawful objectives":

In support of a "take-it-or-leave-it" bargaining position.

In support of non-mandatory bargaining demands (e.g., who the employer's bargainers shall be, what work the employer shall or shall not perform, whether or not an employer may sell his business, arbitration of the basic contract, benefits for retirees, etc.).

To force an employer to enter into an 8(e) "hot cargo" agreement.

To require an employer to join an employer organization and be bound by any pact negotiated by it.

To force an employer to stop doing business with another (e.g., to dismiss a supplier, subcontractor, insurance company, bank, law firm, etc.).

To promote featherbedding.

"Accomplishing the above is the real intent of H.R. 3500," says Nash. "The 1975 Conference Bill provided that nothing 'shall be construed to permit a strike . . . in furtherance of a labor dispute, unlawful under this Act.' This year's situs bill contains no such proviso."

Unless bans on strike or picketing activity are described somewhere else in H.R. 3500, a union may picket the primary and all secondaries at a construction site for any reason and by any means. There are few exceptions to this rule, all contain a hidden meaning, and some seek to expand union strike and picket rights rather than restrict them.

This year's situs legislation also omits the "grandfather" clause which was contained in the 1975 version. The bill becomes law 90 days after enactment whereas H.R. 5900 provided an exemption up to one year for projects under construction from time of bill's enactment.

SITUS PICKETING IN ACTION

The full, devastating impact of a situs picketing law can be seen in several examples. Let's assume an industrial employer has expansion work being performed at an existing facility, and he is in no way involved in the work. The union representing employees of the electrical subcontractor strikes and pickets the entire construction site over a wage dispute, and includes within its picketing the separate gates for the industrial employer's employees.

Clearly, any situs picketing law that aims merely to provide equal treatment would require the union to confine its picketing to the subcontractor with whom it is disputing. That picketing certainly could not be expanded to the industrial gates. But under H.R. 3500, both the common construction site picketing and the industrial gate picketing are legal because the construction subcontractor is an appropriate primary "in construction," and the other construction subcontractors and general are appropriate secondaries "at the site." In this way, Nash says, H.R. 3500 gives construction unions "far more power than any industrial unions now have."

Now assume an industrial employer, to avoid shutdown of his business, hires full-time employees, puts them to work on the construction site doing construction work and enters into a contract with a construction union to represent them. No such union-organizing activity would be required of any employer away from a construction site to avoid picketing, but under H.R. 3500 this would be necessary to protect the facility and its business. "The new situs bill thus gives industrial employers strong incentive to hire full-time construction union employees," adds Nash, "granting relief to construction unions from membership unemployment and permanently expanding the union's dues collections. This is hardly 'equal treatment'."

In another example, assume that an industrial employer is acting as his own general contractor on a construction addition to an existing facility. The employer has a wage dispute with a union representing its industrial employees, and that union strikes and pickets both the industrial facility and the gates for his construction subcontractors.

Certainly this would not be allowed off a construction site, but H.R. 3500 sanctions it. Indeed, it may go further and allow the industrial union to follow all the subcontractors to their other construction jobs and picket those sites, to follow all the contractors to their jobs and picket them as well. *Ad infinitum, ad nauseum.*

Also assume that a union on a construction site pickets the general contractor to have a non-union contractor removed. Although no such activity by an industrial union is legal, H.R. 3500 not only allows it, it permits the picketing to spread to all contractors on the entire jobsite, to any industrial employer at that site, to all other sites where the contractors are working, to the industrial employers at those sites, and on and on.

"No industrial union ever dreamed of such power granted by this 'equal treatment' legislation!" Nash exclaims.

SPOILS GO TO THE "PRIVILEGED" CLASS

Stripping the situs picketing bill of its legal complexities, we agree with those who claim it is nothing more than a union organizing device that further elevates union construction workers to a government-favored, privileged class and imposes unreasonable—paralyzing—restraints on the right of employers to conduct business.

The privileges conferred and restrictions imposed by the legislation raise serious concern among all employers. If Congress passes H.R. 3500 and President Carter signs it, then the new Administration will have taken a giant step in the wrong direction. A big—and harmful—step backward.

PETER A. COCKSHAW,
Editor and Publisher.

P.S. As we go to press, H.R. 3500 has been re-numbered 4250 to reflect minor technical changes and the inserting of the 1975 version of the Construction Industry Collective Bargaining Act. Neither the minor technical changes nor the bargaining act soften the impact of the situs provisions discussed above.

TEXAS MUNICIPAL LEAGUE'S WORKMEN'S COMPENSATION FUND

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. PICKLE. Mr. Speaker, Texas was the first State to establish the Texas Municipal League's Workmen's Compensation Joint Insurance Fund. This unique plan went into effect when the Texas State Legislature passed a law re-

quiring political subdivisions to provide workmen's compensation to their employees. It is a method whereby the municipalities collectively self insure. The fund charges its members 75 percent of the standard workers' compensation insurance premium, and pays out dividends at the end of the year based on each city's experience. This has saved Texas cities a lot of money. I want to share Texas' experience with the rest of the Members by inserting the attached article from Business Insurance, February 21, 1977:

TEXAS LEADS THE WAY, MUNICIPALITIES UNITING FOR SELF-INSURANCE

(By Kathryn McIntyre Roberts)

CHICAGO.—Municipal organizations in states across the country are establishing funds for their members to collectively self-insure for workers' compensation.

Saving money is the incentive for creating the programs. In some states members pay the standard commercial premiums into the fund but they may receive rebates at the end of the year. In others, the members pay reduced premiums into the fund and can expect dividends at the end of the year based on their loss experience.

In some states a search for better loss control services is a factor in the organization of a collective self-insurance fund for workers' compensation.

Although larger cities around the country have already successfully self-insured for workers' compensation, the emerging statewide pools provide the money saving technique to municipalities too small to individually self-insure.

The Assn. of County Commissioners of Alabama established a self-insurers fund for workers' compensation for its members last October. The Alabama League of Muncipalities formed a corporation three months ago to provide a collective self-insurance mechanism for its members.

The Michigan Municipal League, the Maine Municipal Assn. and the Kentucky Municipal League are in the process of organizing similar pools for their members.

In Oregon the major insurance problem for political subdivisions is general liability. A tight market and skyrocketing premiums for the insurance prompted the League of Oregon Cities to hire a consultant to study the situation and make recommendations. Self-insuring for workers' compensation is now also under consideration.

A model, or at the very least an inspiration, to these states is the Texas Municipal League's Workmen's Compensation Joint Insurance Fund. The fund is a unique study in municipalities collectively self-insuring for workers' compensation. It was the first broad-based program in the country. And the league got into it on the ground floor for providing workers' compensation to municipal employes without waiting for insurance companies to act.

Bill Martin, assistant director of the Texas Municipal League (TML), outlined the organization and operation of the fund for Business Insurance.

TML worked with its state legislature in drafting the 1973 law which requires political subdivisions to provide workers compensation to their employes. Prior to 1973, municipalities were given the option of providing the benefit and not all did so. By cooperating with the legislature, the league was able to include in the law a legal basis for municipalities to collectively self-insure the new benefit.

In October 1973, TML hired the Philadelphia consulting firm of Towers, Perrin, Forster & Crosby Inc. for $20,000. The consultants worked with the TML sorting through the alternatives and ultimately drawing up the specifications for the fund.

When workers' compensation became mandatory for larger cities in Texas on July 1, 1974, the TML Workmen's Compensation Joint Insurance Fund had 130 cities enrolled. Another 100 cities joined the fund in the first year.

Now the fund has a membership of almost 300 with $14.8 million in aggregate premium volume, a figure which represents what it would have cost the cities to obtain commercial coverage at standard rates. Implementation of the 1973 law was graduated by the size of city budgets, but all cities must provide workers' compensation by this July.

The fund charges its members 75% of the standard workers' compensation insurance premium, determined by insurance rating procedures. And at the end of the year dividends are paid the members based on each city's experience.

The fund has a service contract with the Texas Employer's Insurance Assn. Under a recently renegotiated contract, the fund pays the firm 9.5% of the aggregate premium volume to administer and service the program. The firm handles claims and provides safety engineering consultation and services.

"The high quality of service Texas Employer's provides is the real strength of our fund," said Mr. Martin.

The TML's fund is averaging a 50% loss ratio. The average loss ratio in the state is 62%. Mr. Martin said the improved loss ratio is saving the member municipalities another 11% of what they would otherwise pay for the insurance. That makes the savings to the cities 36% of what it would cost to commercially insure workers' compensation.

Reinsurance of the fund costs 2.7 percent of the aggregate premium volume. The fund has been reinsured against any one loss exceeding $50,000 and an aggregate loss of more than 68 percent of the standard premium. However, effective July 1, the fund is increasing the catastrophe insurance to $100,000 and the stop/loss to 70 percent. Mr. Martin said the fund was forced to increase the catastrophe risk "because there was no way to buy $50,000 in today's market."

The TML's fund has already undergone an evaluation by the consultants. The $10,000 evaluation, finished in November, resulted in some recommendations for better management reports. The consultants also recommended the league move into self-insuring general liability and fleet auto as soon as possible.

But the fund's trustees "want to ride the current success a little longer before we brave new worlds," according to Mr. Martin. He estimated it will be "a couple of years" before the trustees follow the consultants' advice.

The TML has been more than happy to help other state leagues organize self-insurance funds for their members. A thick packet of information, including the by-laws of the TML's fund, is sent to those who request it.

"We know they are piggy-backing on our experience. But that's okay. Someone had to blaze the way," said Mr. Martin.

The state leagues profiting from TML's experience are quick to admit it. Said O. H. Buddy Sharpless, administrator of the Alabama Assn. of County Commissioners' Self-Insurers Fund, "It would have been a lot more work without Texas as a model. We looked at their by-laws and contracts and modeled ours substantially on theirs."

After five months in operation, the fund now has 27 members out of 67 counties in the state and $350,000 in premiums. Mr. Sharpless predicts there will be 40 members by the end of the year.

The county fund offers its members a 15 percent discount on the standard rates in Alabama, plus possible rebates at the end of the year based on the experience of the fund and the individual counties. Thus far, said Mr. Sharpless, losses have "barely scratched the surface of the claims fund."

The fund has a service contract with Risk Management Service of Alabama. The firm receives 27 percent of the premiums paid into the fund. Of that, 15 percent pays for reinsurance and the other 12 percent pays for handling claims and loss control consultation.

The Alabama League of Cities has taken a slightly different approach. Three months ago it created a separate corporation to provide the mechanism called Municipal Workmen's Compensation Management Co. Inc.

"It's growing by the day," said John Watkins, executive director of the Alabama League. It now has 35 members and $300,000 in premiums. The potential membership is 356, the membership of the league. Mr. Watkins anticipates a majority of the league's members will participate in the fund.

The Municipal Workmen's Compensation Management Co. has its service contract with Risk Management Services of Alabama and has the same fee schedule as the County Commissioners' Fund.

Mr. Watkins said the TML's fund served as a model for the corporation. He noted, however, that the impetus in his league came from a number of mayors who are also businessmen. They had joined association pools to insure their businesses and promoted the idea for municipalities.

The Michigan Municipal League is now enrolling members in its collective self-insurance fund for workers' compensation and hopes it will be in operation on July 1.

Eugene Berrodin, manager of personnel and educational services for the league, said the move was prompted by "difficulty in securing any bids, escalating costs and difficulty in obtaining satisfactory services."

The Michigan Municipal League hopes to involve several hundred of its 470 members. Mr. Berrodin said it's planned to charge the participants the standard Michigan premium and then rebate any unneeded funds every year.

He noted that although some cities in his state have self-insured individually, they are anxious to join the fund having found it hard to handle the paperwork.

Mr. Berrodin stressed the difficulty cities have obtaining loss control services from commercial insurers. He said one city manager in the state told him he sees his workers' compensation insurance agent once a year—when he's selling the insurance.

As elsewhere, Michigan found TML's groundwork beneficial. In addition, the league hired Yeager & Co. of Southfield, Mich. to assist them in creating the program. When the fund is operating, the firm will process claims and provide safety engineering services. The fee is to be negotiated and will depend on the size of the fund, said Mr. Berrodin.

The Maine Municipal Assn. has designed specifications for a self-insurance pool for workers compensation based on TML's program, said Kent Hotham, assistant director of personnel services for the association.

Maine is prepared to launch its fund by the target date of April 1. Self-Insurers Management Corp. of Boston, Mass. is researching rates and securing excess insurance. The Management Corp. is doing the preliminary work at no charge with the agreement that if the association establishes a self-insurance program the firm will be hired on a two-year service contract at 12% of the aggregate premium volume.

Mr. Hotham said the Maine municipalities began to explore collectively self-insuring for workers' compensation a year and a half ago when their pooled policy was terminated by Argonaut Insurance Co. Since then the

municipalities have secured workers' compensation insurance individually

There are 471 members of the Maine Municipal Assn., but many are small cities with limited budgets Mr Hotham said at this point he can't estimate what the response will be to the self-insurers fund

The Kentucky Municipal League has been investigating self-insuring for workers' compensation since October 1976. Since midsummer of 1976, rates for the insurance have jumped 42% in Kentucky, said Mike Amyx, executive director of the league.

In addition, the market is drying up. "We find many smaller communities are finding no local agents willing to sell it. So they have to go to the state's assigned risk pool which is 20% to 25% more than it would cost commercially," said Mr. Amyx.

A 12-member committee of city officials investigating collective self-insurance for the 420 incorporated cities in Kentucky has found TML "very helpful," he said. An administrator of the TML's fund spent a day with the committee to discuss the program.

The Kentucky League is hoping to launch its program in late summer or early fall and anticipates it will be a joint venture with the state's 120 counties. The league has not hired a consultant yet, but Mr. Amyx said they will "very probably evaluate local and national consultants" for the job.

The League of Oregon Cities has hired the San Francisco consulting firm of Warren, McVeigh, Griffin & Huntington to study the state's problem of high costs and a tight market for liability insurance. The consulting firm was hired by the league in cooperation with the Assn. of Oregon Counties, the Oregon School Board Assn. and the Assembly of Community Colleges. The four organizations will share the $18,000 bill for the study which should be completed by the end of April.

Noel Klein, staff associate with the league, said general liability insurance premiums in the state are up 300% to 500% and there are "only one or two companies writing new policies now."

About 700 political subdivisions could be involved if the consultants recommended a self-insurance pool.

Although the high cost of insurance against false arrest and errors and omissions, to name a couple, drove the state organization to hire a consultant, Mr. Klein said, "workers compensation has been a concern too." It will be considered for pooling now also.

COMMUNIST ATTACK ON THOSE UPHOLDING THE FOURTH AMENDMENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. McDONALD. Mr. Speaker, the Occupational Safety and Health Act—OSHA—is an attack on our free enterprise system in general and businesses in particular. A common criminal is entitled to a jury trial, is protected from unreasonable searches and seizures, is presumed innocent until proven guilty, is provided an attorney at taxpayer expense if he cannot afford one, and may not be convicted on the basis of a vague or undefined law. OSHA denies every one of these constitutional rights to businessmen.

The degree to which a political system protects criminals but punishes productive citizens is a good measure of its degeneration from freedom to collectivism. Unfortunately the Communists seem to understand this better than many of those who allegedly defend free enterprise. Recently, for example, the Communist Party newspaper, the Daily World, leveled an attack on Representative GEORGE HANSEN and an Idaho businessman for their defense of a businessman's right to fourth amendment protection from unreasonable searches and seizures. A three-judge Federal court has declared the inspection provisions of OSHA unconstitutional since it failed to require Government agents to show probable cause and obtain a search warrant as required by the fourth amendment. Apparently, the idea of a businessman retaining constitutional rights is a threat to the Communists.

It is interesting to note that the Daily World identifies the Idaho Congressman fighting OSHA as Orval Hansen, who has not been in Congress since 1974. Nothing like collectivist efficiency.

The article, from the March 16 Daily World, follows:

BIRCHITE, ULTRA'S SUIT COULD KILL USES OF OSHA

(By Frank Carroll)

The latest attack on the Occupational Safety and Health Administration (OSHA) has taken the form of a challenge, led by rightwing Birchite forces against the right to send inspectors into workplaces without a search warrant.

The U.S. Supreme Court has still not ruled on this question. Lower federal courts have ruled in Idaho and three other states that OSHA inspectors must have warrants.

OSHA experts, union activists and the Labor Department all agree that the search warrant requirement would kill the ability of OSHA to protect workers.

The suit in Idaho was brought by a leading Birch Society member.

Rep. Orval Hansen (R-Ida.), rightwing Congressman and William Buckley, rightwing columnist, have joined the attack. Buckley, in a recent column, singled out OSHA as a prime target for elimination.

The U.S. Supreme Court is expected to rule soon on the constitutionality of the "right of entry" provision of the Occupational Safety and Health Act. Meanwhile, Justice William Rehnquist ruled that inspectors can continue until the Supreme Court decides.

OSHA is being defended by Labor Secretary Ray Marshall and by Ms. Eulah Bingham, Undersecretary of Labor-elect for OSHA.

Ms. Bingham, a union supported scientist, will take office in a few days. Marshall has indicated a willingness to get the agency back into shape after years of hamstringing and disruption by former Presidents Nixon and Ford.

But it will take labor support, especially rank-and-file support, and a fightback against the rightwing attackers of the agency, to make OSHA what it should be—a defender of the workers' health and lives.

LITHUANIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HOWARD. Mr. Speaker, in this time of American consciousness for human rights throughout the world, I feel it appropriate that we in Congress again focus our attention on Lithuania and her courageous people's struggle against foreign domination. February 16, 1977, marked the 59th anniversary of the formation of the Republic of Lithuania, yet that joyous day was saddened with the knowledge that the country is not free.

Much has been said in this body regarding the noble heritage of Lithuania. My purpose here is to rededicate ourselves to the cause of that nation's freedom, as well as the freedom of all men. The tremendous spirit to be free that the Lithuanian people possess in spite of despotic rule by the Soviets serves as a model to all oppressed people of the world. Lithuanians have kept alive the struggle against suppression of their independence and religious and political freedoms and have long been an example of the pursuit of liberty and world peace. We condemn Soviet suppression of their fundamental rights. The United States has consistently refused to sanction the forcible occupation of Lithuania and her Baltic neighbors and I continue to advocate that policy.

The Lithuanian-American Council and the Lithuanian-American community of the United States deserve commendation for their efforts and continued activity in behalf of their brothers who are not so fortunate to enjoy the democracy we Americans so easily take for granted. As we pause to mark this anniversary of Lithuanian independence, let us recognize the contribution of the more than 1 million Americans of Lithuanian descent who have contributed to the development of the United States and to the preservation of its ideals of liberty and freedom and let us not forget those Lithuanian people in their homeland who still struggle for the fundamental liberties under the oppression of the Soviet Union.

LITHUANIAN INDEPENDENCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. LENT. Mr. Speaker, I join my colleagues today in commemorating the 59th anniversary of the declaration of independence of Lithuania, and in remembering the subsequent suppression and human suffering which this day also marks.

There is a tendency in this day and age for our people and leaders to concentrate their attention on the global view of issues and problems, and overlook in this approach the individuals and nations who are the actors in the global arena.

The fate of Lithuania and the other Baltic States is a case in point. If our commitment to human rights and our activities today in support of this commitment are to mean anything, then it is important that we stop and remember the painful violations and betrayals which we protest.

In the Baltic region, millions of human beings were brutally displaced when their lands and homes were occupied by the Russian Army. Families were separated, and individuals forcibly relocated in different parts of the Soviet Union. There are tales of horrors which multiply upon themselves—of men and women deported to Siberia and made to cut wood in the dead of winter to heat the homes of soldiers, with scant clothing, little food, no shoes: Those who froze to death were lucky.

Today, we remember and extend our remembrance to the peoples of the Baltic States, with the promise that we shall never forget their courage and their sorrow, and with praise for their endurance.

We must, as we have so often done before, express the hope that those nations of the world who continually violate human rights and ignore individual freedom and initiative, will in the future act to prevent human tragedies such as those experienced by the Baltic peoples.

AEROSAT: THE NEED FOR REEVALUATION AND MAINTENANCE OF INTERNATIONAL COLLABORATION

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. WYDLER. Mr. Speaker, in deleting authorization for the funding of Aerosat, the proposed aeronautical communications satellite, from H.R. 3965, the Committee on Science and Technology was mindful of the international implications of this program.

Aerosat is truly an international collaborative program to apply space technology to the improvement of aeronautical safety and efficiency in air space management. The United States has 47 percent with the European Space Agency—ESA—possessing an equal share and Canada 6 percent.

When Aerosat was conceived during the early seventies, growth projections for air traffic particularly over the North Atlantic, were quite optimistic. From the vantage point of hindsight, the combination of lags in projected traffic growth together with escalation in program costs, indicates the wisdom of a full review. Current cost projections for the U.S. portion alone were $15.5 million for fiscal year 1978. They were planned to equal $25 million for each of the succeeding 6 years. In addition, from a budgetary standpoint, committing so large a portion of the FAA's R. & D. budget totalling only $85 million, seems a misplacement of priorities. Indeed, funding Aerosat from the FAA's R. & D. budget when, according to NASA, "there are no technological imponderables involved," appears inappropriate.

However, it is important that our foreign partners in the Aerosat program do not perceive our action in any way, to be a lack of interest in maintaining such international cooperation which this program truly represents. The committee's purpose is simply to reevaluate Aerosat in concert with our foreign partners. It is as much in their interest as ours to be assured of both the need and the application of the most cost-effective technology. We understand ESA participants in the Aerosat program will welcome such reevaluation so long as the cooperative machinery is left in place.

The committee recommended authorization of up to $1.5 million for full review of Aerosat and asked that a new plan be submitted for its review prior to the scheduled meeting of the Aerosat Council on May 4, 1977. One example of improved cost effectiveness which could be made available to the Aerosat program is the space shuttle launch vehicle rather than Delta boosters.

Based upon the testimony of the primary beneficiaries of improved over-ocean air traffic control, we must question current Aerosat timing and capability. I understand the desirability of a thorough reevaluation is shared by at least some of the 9 ESA government partners who should not therefore, consider that the United States has acted in an arbitrary manner.

Many of the basic assumptions upon which Aerosat was based have become questionable. It is my hope, however, that the program will be maintained at a low level of effort and cost pending the development of realistic traffic projections. It is equally important that the latest technology for airborne separation assurance, air traffic control surveillance, airborne communications, and perhaps navigation capability, be incorporated in a revised satellite system designed for full operational designation once a suitable test period is completed.

Thank you.

THE DEMONSTRATION FARM ACT OF 1977

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BROWN of California. Mr. Speaker, many agricultural issues have been raised in recent months as the harsh, freezing winter and the drought caused various people to look more closely at farming usage of water, and energy. This scrutiny raised concerns about soil erosion, needless waste of water and organic matter, and a dependency on limited, highly priced energy sources.

There is a great deal of on-going research in these areas of concern resulting in the continuing development of new technologies, techniques, and practices which improve conservation and utilization of our fertile topsoil, the quality and quantity of water supplies, energy and organic matter. But these new methods often take 10 to 30 years to reach the farmer out in the field, and it is understandably difficult to encourage a transfer to new technology or practices when so much time and money has been invested in other equipment.

The problem is that improved conservation of these resources is needed as soon as possible. Recent reports on topsoil loss show it at questionable high levels—over the 5 ton/acre maximum acceptable by often as much as 15 to 20 tons/acre—reducing soil fertility and productivity at a measurable rate. The runoff of this sediment into our water bodies increases their pollution which is another strong concern of various groups across the country. Irrigation methods need to be reevaluated with a possible transfer to drip irrigation, solar-energy irrigation pumps, and recycling of waste waters wherever practicable. Organic matter is a source of fuel and fertilizer which should be put to use wherever possible.

My answer to this dilemma of getting research results to the farmer rapidly is demonstration farms. I have therefore introduced the Demonstration Farm Act of 1977. This legislation sets up a system of demonstration farms within each State which would apply new conservation and utilization technologies and practices where the farmers could actually see the new methods in practice. Basically the legislation does this in the following manner:

Sets up an information-gathering system in the USDA to compile all Federal, State, public, and private research projects concerning conservation and utilization of energy, soil, water, and organic matter.

Authorizes the Secretary of Agriculture to give grants to each State Department of Agriculture for the purpose of settting up:

First, one large model farm on State land to demonstrate projects selected from this compilation that address particular State or regional problems and conditions regarding soil loss, energy shortages, climate fluctuations, water shortages, et cetera;

Second, after having been tested on the model farm for no more than 2 years and proved to be practicable, no less than 10 demonstration projects on farms that are already in operation;

Third, the model farms and individual farmers will give tours and keep records of the benefits or problems of the projects, including energy savings, decrease in soil erosion, water savings or quality improvement, and the like. These reports will be given, in a compiled form, to the Congress, the USDA, and the State Departments of Agriculture.

Fourth, the authorization level for this bill is $20 million.

Since the drought the dust-bowl tendencies in the Midwest have pointed out the worsening problems with soil erosion and water shortages. I feel it behooves us to respond immediately with our best ideas and possible solutions. It is the time to get everyone involved. This bill gets the State departments of agriculture working with the USDA Extension Service, the Soil Conservation Service, the agricutural universiti

experiment stations. My hope is that with this increase in communications and cooperation the goal of reaching the farmers as quickly as possible will be furthered. Everyone has something to contribute, and it is time to pull in all our ideas and apply those that are most feasible.

CALIFORNIA'S WATER SHORTAGE

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mrs. PETTIS. Mr. Speaker, as you are aware, California is currently experiencing a water shortage due to an unseasonably dry winter.

I would like to insert for the RECORD, two recent articles which appeared in California newspapers regarding: The severity of the shortage; what water districts are doing to combat the paucity of water; and why water conservation by Californians is needed.

I am particularly pleased with the Coachella Valley County Water District and the agricultural water users in that area for their efforts. As the article "Along the Western Water Front" indicates, the Coachella Valley is not faced with the water shortage primarily because water always has been recognized as valuable there.

There is no doubt that unless all of California takes water conservation seriously the shortage will continue to be of disastrous proportions.

The articles follow:

[From the Desert Rancher, March 1977]

ALONG THE WESTERN WATER FRONT

The fruits of the labor of 59 years by employes and elected officials of the Coachella Valley County Water District became dramatically apparent this year.

Arid Southern California in general, and the Coachella Valley in particular, is not faced with the water shortage which has parched Northern and Central California primarily because water always has been recognized as valuable here.

Because of this concern, there are now more than 47 million acre feet of Colorado River water in storage behind the nine major dams in the river system. If not another drop of snow falls in the Rockies, California will be able to draw its annual Colorado River entitlement of 4.4 million acre feet for several years and probably will be able to continue to draw more than its basic entitlement at least until 1985 when Arizona is expected to start using its full entitlement.

Farmers in Coachella Valley use approximately 566,300 acre feet of Colorado River water annually for irrigation of more than 55,000 acres. Barring the adoption of irrational mandatory state-wide water rationing, these farmers should have no concern of the availability of an adequate water supply.

It isn't an accident of nature that this water supply is available today. When the Coachella Valley County Water District was organized in 1918, directors began working immediately to obtain Colorado River water for irrigation. It took more than 30 years of political and manual labor before the first drop of Colorado River water was delivered to Coachella Valley farms in 1949.

This district has been extremely active politically in fighting for adequate storage on the river. Ray Rummonds, CVCWD president, also has served as chairman of the Colorado River Board of California for 12 years.

Even today district officials urge conservation of water. According to U.S. Bureau of Reclamation figures, CVCWD beneficially uses and distributes nearly 95 per cent of the Colorado River water it receives at Check Gate 6A near Niland on the Coachella Canal.

Farmers of the Coachella Valley sympathize with the farmers of Central and Northern California, but, due to the adequate supply of water in storage along the Colorado River, they should not be required to cut their water use by 25 per cent. There is no method of delivering Colorado River water to Northern and Central California.

Already, farmers are recognized as being among the most efficient water users in the state and Coachella Valley farmers are some of the most efficient water users among farmers.

The district has, however, offered its annual entitlement of State Water Project water, some 8,000 acre feet, to Kern County this year.

The water normally is destined for urban use in the Coachella Valley, but its immediate use in groundwater basin recharge. Recharged water won't reach the nearest wells for more than 15 years so the district's temporary loss of this urban water supply will have no direct effect and will be hardly detectable in the future.

Good fortune and good planning have assured Coachella Valley residents of at least 100 years of high quality groundwater supply at five times the valley's present population.

According to United States Geological Survey figures, there is 15.7 million acre feet of water in storage in the first 750 feet of the groundwater basin.

Again, this isn't all accidental.

One of the prime reasons CVCWD was formed in 1918 was to conserve the waters of the Whitewater watershed.

As soon as the district was formed, district officials began to obtain the lands in the Whitewater spreading area from the Bureau of Land Management, Southern Pacific and others, now totalling several thousand acres.

If this had not been done those lands now all would be in private ownership and present day water conservation efforts would be for naught.

In the early 1920s, CVCWD adjudicated all the stream flows of the Whitewater and its tributaries, preserving to the present generation those flows to serve Coachella Valley.

As with agricultural users though, urban users should use water wisely.

[From the Los Angeles Times, Mar. 29, 1977]

SOUTHLAND MAY RUN OUT OF WATER BY FALL: RESERVOIRS WILL BE EMPTY IN SEPTEMBER WITHOUT 10% CUTBACK, OFFICIALS SAY

(By W. B. Rood)

Without at least a 10% cut in water use, the reservoirs that form the backbone of Southern California's water supply system will be virtually dry by the end of summer, according to official projections released Monday.

Despite extensive publicity about the drought and appeals for conservation, figures compiled by the Metropolitan Water District show water consumption throughout the Southland is far outstripping expectations.

For March alone, MWD tallies show water use will exceed last year's March total by about 40%.

"Last February, our board asked for a voluntary 10% conservation," said Evan L. Griffith, assistant general manager for MWD, which wholesales water to 27 local agencies serving 11 million people throughout the Southland.

"What happened instead is that district-wide water use went up."

Along with failure of appeals for voluntary conservation, district officials blame unseasonably warm weather for the unexpected jump in demand.

"The hot weather is killing us," Griffith said. "For every degree of temperature rise above the monthly norm, we use an additional 4,000 acre-feet of water."

Whatever the reasons, even those water officials who were saying Southern California would do reasonably well this year are now heeding grim projections.

Perhaps the best evidence of that was the action taken Monday by a committee of the MWD board, which has been reluctant to impose sanctions to achieve a cut in water use.

With only token opposition, the committee approved a measure which would charge local districts double for any water taken in excess of 90% of the amount they used in 1976.

The measure also would allow MWD to reward districts with a $20-per-acre-foot rebate for better than 10% savings as compared to 1976 consumption.

The proposal, which goes before the full MWD board today, would take effect on April 1 and be administered on a month-by-month basis at least through Dec. 31 or until the board believes it is no longer needed.

The board acted after hearing a graphic presentation of how precarious a position MWD is in as a result of the drought.

The district's ability to make it through the summer depends not only on the willingness of water customers to conserve but also on the whims of nature and the capacity of several dozen 40-year-old pumps to endure. MWD has given up its supplies of California Aqueduct water in an effort to make additional supplies available to harder hit Northern California.

To compensate, the district is operating its Colorado River Aqueduct beyond designed capacity. Nine pumps on the river itself and 36 more that force the water to populous areas of Southern California are working full time.

"If one of those pumps goes out—just one—our reservoirs (Lakes Mathews and Skinner plus four state reservoirs to which the district has access) would go to zero storage sometime in July," said MWD's Griffith.

Normally the district operates only eight of its pumps on the Colorado, allowing for maintenance on the out-of-service unit.

"When we went to nine pumps on March 1, we thought Lake Mathews would go up by about 1,000 acre-feet a day. Instead it was going down by 400 a day until the recent rains," Griffith said.

"That's what has scared the hell out of us," said another district official.

Even if the pumps churn on without incident and barring damage to the Colorado River Aqueduct by earthquake—a possibility district officials talk about in whispers—it will be imperative for Southern Californians to conserve.

"Without any conservation, we'll be out of business by September," said James Krieger of MWD's operations branch.

If Southlanders manage to cut their water use by 10%, the picture in September will be better but not rosy.

The combined storage in the district's two main reservoirs, Mathews and Skinner, would be about 100,000 acre feet. At capacity the two hold 225,000.

All but one of the district-tapped state reservoirs, Pyramid Lake, would be virtually dry or severely depleted.

This is the picture that has made MWD dead serious about conservation.

"If in a month or two we don't see any evidence of real conservation, I don't see that we would have any alternative but to

go to mandatory rationing," said one district official.

Another factor which has stirred the MWD board to action was the long-range picture outlined in a letter from General Manager John H. Lauten to the district board.

"Metropolitan has already been advised preliminarily by (the state) Department of Water Resources that the state must give first priority to restoring storage in its now seriously depleted reservoirs," Lauten wrote.

"In the absence of an extremely abundant water year in 1978, Metropolitan may again be requested to substantially reduce its demand on the State Water Project."

In sum, MWD is hoping for 11 million Southlanders to take conservation seriously, 36 pumps to run indefinitely without problems, freedom from serious earthquakes and a better rainfall than anyone can normally expect in the coming water year.

EFFECT OF GOVERNMENT REGULATIONS ON THE STEEL INDUSTRY

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. GARY A. MYERS. Mr. Speaker, the Council on Wage and Price Stability recently announced the results of a study of Federal regulations affecting the steel industry. The report highlights many instances in which Federal regulations have had a deleterious effect on the industry. Because of the importance of the steel industry to the national economy and because Federal regulations may impact on other industries in a similar fashion, I would like to bring to the attention of other Members a summary of the Council study. The summary follows:

COUNCIL ON WAGE AND PRICE STABILITY,
Washington, D.C., January 18, 1977.

COUNCIL ON WAGE AND PRICE STABILITY RELEASES STUDY OF GOVERNMENT REGULATIONS AFFECTING STEEL INDUSTRY

The Council on Wage and Price Stability today released the first of two volumes in a unique and comprehensive compilation and study of all the federal regulations affecting the American steel industry. Volume I, which was nine months in preparation, catalogs and explains all of the federal regulations and policies which affect the manufacture of steel. The catalog provides for the first time and in one place an objective description of the myriad of federal regulatory programs that affect a major industry, and discusses the cumulative impact—positive and negative; primary and secondary—of these independent federal actions.

In announcing the release, Acting Council Director William Lilley III said, "No one really knew how far the federal government had gone in regulating primary heavy manufacturing. Our catalog portrays how a major industry, such as iron and steel, can hardly make even routine decisions without taking into account the directives of some federal agency."

"Steel is an industry whose production procedures are increasingly prescribed by government, whose costs are substantially influenced by government, whose market share exists at the sufferance of government and whose profitability is affected a good deal less by innovation and enterprise than it is by what it must spend to comply with a mushrooming list of federal rules and regulations," Lilley said. He noted five main points which he said the Council staff had drawn from the study:

The volume of federal regulations affecting a single industry like steel is astonishing. Over 5,000 regulations from 27 agencies impact on the steel industry in ways described in the catalog. And, because many of these are quite detailed, that number really does not convey the complexity and extent of government rules. Further, the catalog does not include most state regulations. In many ways the catalog portrays only the tip of the iceberg.

The scope of government intervention is growing by leaps and bounds. While the number of agencies directly affecting the steel industry remained static at 13 from 1950 to 1960, from 1960 to 1965 four new agencies were established. By 1970, five more had been added and between 1970 and 1975, seven additional agencies had been created.

The number and extent of programs creating regulations has also risen as Congress has given new rulemaking powers to existing government offices.

The reach of these regulations has extended more and more into the daily routine of plant operators and workers. Prior to 1970, most regulations, such as those governing taxes and securities, did not interfere in the day-to-day operation of the manufacturing process.

When viewed from the point of impact, regulations are imposed without coordination among the regulating agencies or, indeed, with no coordination among offices of a single agency. Not surprisingly, many of the regulations operate in contradictory ways.

"What appears to us," said Lilley, "is that regulators have no way of knowing what they are actually doing to those they regulate because each deals with only one discrete part of the process, while the industry must deal with all the pieces at once. When we asked federal agencies for lists of their regulations that affected the industry, they told us they were unable to provide them because they simply didn't know what regulations impacted on which industries. Obviously, this approach to regulation, which gives primary emphasis to the statute books and insufficient emphasis to the impact of regulation, makes it very difficult for steel manufacturers or any manufacturer to function efficiency."

The 5,000 or so federal regulations described in the catalog only pertain to the direct manufacturing process. Regulations affecting mining, transportation, and marketing, for example, are not included, and the catalog does not include most state regulations. "A compilation of all the regulations that affect this single industry in all its aspects would be many times longer than the 250-page catalog that we are releasing today," Lilley said.

A mere listing of the growth in agencies or in the number of regulations does not adequately capture the changing nature of the limitations imposed on private sector decisionmakers. The catalog clearly shows the trend from proscriptive regulations (*e.g.*, antitrust laws) to prescriptive regulations (*e.g.*, safety requirements). Federal agencies now employ a variety of regulatory approaches, each intervening differently in the production process. The type of intervention ranges from design-specification standards, performance standards and incentive standards to reporting, disclosure and planning requirements.

The catalog discusses regulatory impact in the following areas: Environmental, Occupational Safety and Health, Discrimination in Employment, Industrial Relations, Antitrust, Foreign Trade, Federal Income Tax and Energy. The Council found that just to understand each of the regulatory programs affecting the steel industry in any one discrete area was a major undertaking in itself.

"What started off as a widely supported effort to accomplish certain socially desirable objectives through regulation has now grown so gigantic that the industry is having an increasingly difficult time accomplishing its most socially beneficial objective, that of producing iron and steel," said Lilley. He continued:

"If the trend in regulatory intervention proceeds at the pace of the past ten years, there is no doubt in our mind that the American steel industry will become increasingly unwilling *and* unable to invest in new, job-creating plants and equipment. This is clearly not the desired result of either the regulations or the regulators, and indeed no single regulation could have that effect. But when each and every regulation, rule and directive is aggregated, when each and every hoop and hurtle is put in one arena, the impact is far more pervasive and overwhelming than the creators of any single regulation can imagine. It is truly a case where the whole is far greater than the sum of the parts.

"Of paramount concern to us is that, if allowed to continue along the present course, the sheer magnitude and complexity of the regulations being imposed on this major industry, or any other, will soon reach a critical mass, where it will become evident to all that the process has finally gotten totally out of control. When that day comes, the public's revulsion over what has been allowed to happen will be vented against *all* regulation, good and bad alike, rather than against the excesses to which the process has been allowed to run."

The second volume of the study, a review of various past attempts to measure the impacts of federal regulations of the steel industry and a proposal of methods to improve these evaluations, has not yet been completed.

ARE WE REALLY THE "SINFUL ARMS MERCHANTS OF THE WORLD"?

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. MILFORD. Mr. Speaker, there is a rising and vocal enthusiasm, seemingly based on some type of divine guidance that would brand the United States as being "sinful and evil" because of our foreign military sales activity.

Seemingly the United States, like the Corinth of old has become corrupt and is now leading the rest of the world to a hell made of cannons, bombs, airplanes, and missiles. A new Paul has come onto the scene with a theme which would have us unilaterally stop these sinful sales. This theme exhibits a gross lack of understanding of an international scheme that has so carefully built faith, trust, and cooperation throughout the free world. This international scheme has made mutual economies and securities of the free world viable.

The real moral issue rests with keeping faith with the sacrifices of the American taxpayer who paid to build a stable international balance of mutual support of economic and military security upon which mutual survival depends.

These other unwitting and superficially moral ideas would destroy that work and drive those markets elsewhere to the degradation of international cooperation at a cost to American aviation and related industries of hundreds of thousands of jobs.

These ideas are tantamount to abandoning a proven and beneficial concept to the predatory invasion of our markets and influence by the dictates of controlled ideologies and economies.

It will be a black day for international stability and economics when we forfeit our position so expensively and painstakingly constructed out of the chaos of World War II.

I refuse to be a passive spectator to the destruction of the victory gained after the victory of the war, both at such a terrible price.

I would be unfaithful of public trust to remain silent on a subject of national debate which has advocates of a direction that very probably would do irreversible harm to our domestic and international economy and politics so vital to these times.

During and after World War II, the Government and citizens of the United States assumed a moral responsibility unprecedented in history. This country of ours, singlehandedly, brought stability to our friends and enemies in a torn world and stayed the encroaching menace of communism. All of this was done at huge cost to the American taxpayer and drain on our resources.

World stability, such as it is, stems from that endeavor and sustains its precarious balance by continued worldwide participation of the United States and its support of our friends and allies as they are establishing their own way to go.

If America were impregnable and totally self sufficient, we could turn inward if that were our choice. But international interdependence for collective security on political, military, and economic fronts is a fact of modern life. And, for the United States, the interdependence of politics, national security, and economics is a fact of international life.

Economic security in this dangerous world is as all important as military security and both go hand in glove. The preeminence of the U.S. position in civil aviation, for one instance, is irrevocably tied to the preeminent position of the United States in the military market and the security of our friends and allies.

The U.S. aviation industry, its jobs, its trade balance, its economics, and its political influence in the free world have a common catalyst in the military sales abroad and ebb or flood as policy encourages military sales to seek their best level in the market.

On moral grounds it must be acknowledged that in the years following World War II, the security of Europe and the Middle and Far East rested with U.S. military and security assistance programs paid for by the American taxpayer, as a price willingly paid for peace and stability of a fragmented world.

As these areas became able, direct assistance was replaced, in a large measure, by arms sales to these countries as they came to look to their own security. Military sales grew:

Because the United States recognized the legitimacy of the needs expressed by these governments in today's uneasy and turbulent world.

Because allies and foreign friends have decided that they need equipment of American manufacturers and services from the U.S. Government and American suppliers to sustain their sovereign purposes.

Because more countries are now economically able to purchase such equipment and services from economies stabilized by U.S. assistance.

Because many sovereign nations prefer to purchase military equipment and services from the United States rather than from other countries for economic and political reasons.

There are a host of other reasons, but let us stop here for a moment and let me give voice to one of my primary concerns that naturally follows from any form of restriction upon these military sales to friends and allies which may drive their markets elsewhere.

Closely tied to international cooperation and U.S. influence abroad has been the immeasurable impact of U.S. preeminence in worldwide air transport and the close day-to-day working alliance brought about by sales and operations of U.S. civil aircraft abroad. The atmosphere for peace, respect, and understanding that arises from this area should not be underestimated. In addition, the economics of the international sales of aeronautical products are second only to agriculture, and clearly the positive factor in trade balance so necessary to afford our continued support of friends and allies whether for selfish or moral reasons.

Domestically we would not have the industry base for that vital civil aviation arena if it were not for the capability to meet related military commitments. Internationally, we would not have the entree to the civil market were it not for the hand in glove military sales, training, and support activities.

To constrain military sales and thus inevitably drive that market elsewhere could be a self-righteous and shallow morality and may well bear bitter fruit;

International cooperation would certainly wither;

The civil aviation market and involvement would decline substantially;

Domestic areospace and air transport industry would suffer severe reverses;

Hundreds of thousands of jobs would be placed in jeopardy; and

The ricochet effect on the entire economy would reach into the smallest production unit in every town of the United States and depress all domestic and foreign markets.

So, in addition to disregarding the worldwide influence gained at great cost to the taxpayer since World War II, on historically unprecedented moral grounds, we would also disregard a primary factor in the U.S. productive enterprise so painstakingly assembled.

From an ideological point of view, we would abandon the proof to the world that the American system is the benefactor of the world to the dictates of controlled ideologies and economies. No moral benefit can be derived from that avenue on any grounds. Certainly, controls and constraints of free enterprise for national purpose are suspect whatever the stripe.

I have no doubts that our competitors, friends, and adversaries, will invest—and are now investing—major resources to capture—and are capturing—the abandoned American political and economic position, a grain or a gulp at a time. We cannot control the arms of the world; we can only influence their source and their use where we remain that source and earn a measure of cooperation for their use. It will be a black day for domestic and international economics and stability when we abandon our position so painstakingly constructed from the chaos of World War II.

TASK FORCE ON FOREIGN SOURCE INCOME

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. VANDER JAGT. Mr. Speaker, over the past several months it has been my privilege to serve on the Committee on Ways and Means Task Force on Foreign Source Income. This task force group under the able chairmanship of my esteemed colleague from Illinois, Mr. DAN ROSTENKOWSKI, has worked diligently during its existence in studying the important and difficult issues assigned to it by our distinguished committee chairman, Mr. ULLMAN.

On March 8, 1977 the task force filed its report with the Committee on Ways and Means. Mr. Speaker, I would commend the members of the task force for the conscientious and responsible way in which the group proceeded in fulfilling its mission. The task force chairman, the gentleman from Illinois (Mr. ROSTENKOWSKI), directed our endeavors in a capable and considerate fashion. The quality of the product of our deliberations is largely attributable to his diligent leadership.

The report has dealt with complex and even controversial issues in the important area of the taxation of foreign source income. In submitting our report we acted to encourage the study of its content by interested Members of Congress, tax officials in the executive branch, and the interested public. It is expected that the report will receive consideration in our tax reform deliberations later in this Congress. The task force was not unanimous in the substantive recommendations in the report, but I believe the task force was unanimous in its conviction that it had addressed itself to its assigned task thoroughly and perceptively.

One of the substantive areas where I had views that were divergent to those

expressed in the report related to the taxation of shipping income. And, I would like to comment briefly on that subject at this point.

Mr. Speaker, as a member of the Task Force on Foreign Income, I am concerned that the proposal of the task force with respect to taxation of international shipping would have undesirable international ramifications which would far outweigh any conceivable revenue gains.

Any proposal to change the rules respecting the taxation of international shipping must take into account the effect of such action on tax decisions of other countries and on world trade. While the interests of the United States are paramount, they are so inextricably related to the interests of the rest of the world that they cannot be considered separately.

Opponents of a partial repeal of code section 883(a)(1), which provides for the reciprocal exemption of foreign shipping income, have pointed out many serious consequences of such action. They believe it will almost certainly bring on retaliatory tax measures by other nations that will be detrimental to U.S. shipowners and operators whether they fly the U.S. flag or foreign flags. They believe that such measures would be especially detrimental to U.S. flag ships because they are now only marginally competitive in world commerce, and the added cost of retaliatory taxation in foreign ports would put many of them out of business and thus diminish further the size of the U.S. merchant fleet.

They believe further that the number of U.S. controlled foreign flag ships would also be drastically reduced, if section 883(a)(1) were amended as proposed, because U.S. owners of foreign flag ships would be forced by competition to sell them to foreign interests or to keep their vessels out of U.S. trade.

Should these developments occur, they would, of course, have serious national defense implications, to say nothing of their critical impact in emergencies such as another Arab oil embargo.

Opponents of partial repeal of section 883(a)(1) further point out that the present system of mutual tax forbearance results in what is at least a rough tax equality in international shipping. They state that this has produced an efficient and highly competitive system for shipping the world's goods, of which the ultimate consumer is the beneficiary.

Any such proposal to increase U.S. tax revenue must be weighed against the likelihood of action against U.S. owned shipping by other countries. With the limited information now at hand, the full nature or extent of such retaliation simply cannot be measured.

Finally, Mr. Speaker, foreign relations consequences to the United States must be weighed. The unilateral decisions proposed in the report would undermine the confidence in our Nation's desire for consultation and cooperation with other nations in tax actions affecting their trade. Moreover, it is a serious mistake to embark on a course which would be injurious to the economies of Liberia and Panama—and a possible affront to their national pride—since the shipping adversely affected thereby is predominantly registered in these two countries and is important to them. We have special need for their confidence and trust at this time.

Mr. Speaker, in concluding these brief remarks I would commend again my colleagues on the Task Force on Foreign Source Income for the able way in which they carried out this difficult assignment.

SPACE APPLICATION PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. TEAGUE. Mr. Speaker, Elizabeth Price, a freelance writer, has recently reviewed the space application program. I am including her analysis in the RECORD for the benefit of my colleagues and general public. The opportunity to improve our quality of life and our economic well-being can be enhanced by taking full advantage of applications of space. The Price article is an eloquent statement defining development of our space program in terms of practical benefits:

BACKGROUNDER ON SCIENCE ON SPACE SHUTTLE/APPLICATIONS

So far, as of Spring 1977, the Space Shuttle—called the Enterprise thanks to Star Trek fans—has only ridden piggyback on top of a Boeing 747. It will not fly on its own power until summer. But once it gets operational in the 1980's, it will provide a laboratory in space for all kinds of science experiments, many of them with both medical and commercial applications to benefit those of us still down here on earth.

While many of the scientific experiments on the first Spacelab—to be fitted into the Shuttle's "cradle" for a summer of 1980 first flight—have been planned by European countries making up the European Space Agency, all the Spacelab operations will still be managed by NASA. (Of the 77 experiments approved in February for the ESA's portion of the Spacelab package, 15 are U.S. designed.)

One of the most innovative types of experiments, with the highest factor of eventual commercial "usability," will be the materials processing investigation begun on Skylab in the early 1970's, using much of the Apollo mission hardware that was left over. (Again, of the above 77, 39 of the European experiments are in this field.)

Dr. James H. Bredt, head of NASA's Division of Space Processing under Special Projects, considers materials processing "of utmost importance to manufacturing and industry, as well as both medical and pure sciences."

When the Spacelab and its "host vessel," the first Orbiter now undergoing preliminary test flights during 1977, orbit the earth at the comparatively low altitude of 150 nautical miles, there will be "null gravity" aboard the ship, almost "zero g."

It is this absence of earth gravity that opens up the possibilities of commercial use of the weightlessness of space. Experiments can be conducted in this near-zero gravity that would be impossible on earth. Additionally, both the returnability of the Shuttle itself, and its experiments, and the relatively cheaper costs of assembling entire laboratories in space will save operational costs all around, and give a positive "cost factor" to several projects.

Entire space stations can be assembled in orbit, with parts rocketed up from earth or manufactured in a different kind of "space factory," at much lower expenditures in weight and thrust than can be achieved if a similar station were built on earth and then launched into space. If some processes can benefit to a measurable degree from weightlessness, the work itself can be done more cheaply in space.

Materials processing has been getting prime attention in NASA's planning during the past two years because of the materials shortages discovered in 1975–76. There was a heightened interest in all ways to alleviate any potential shortage of metals, in particular, and in ways to "work" them into forms for manufacturing. Metallurgy is important in commercial manufacturing of all types, and many of the research developments in space will have almost immediate application in consumer and secondary user engineering processing.

In the weightlessness of space, liquid drops that on earth would settle on the bottom of containers float freely. Gas bubbles formed in liquids stay put right where they grew. Crystals form in ways they never do in the "one g" gravity of earth. New alloys of metal can be made with strength and durability not often achieved in earthbound processes. For these reasons, the science of materials processing makes up a fertile field to be staked out for projects on the first Spacelab flight in 1980 and others into the next decade.

As the pictures of the Space Shuttle have already shown, both newspapers and television are going to find Spacelab (and its Orbiter) vividly picturable. Inside Spacelab there will be large components that can be "modeled" to show on TV and diagram in science supplements—like the space furnace first used in Skylab's small science console—and "micro" forms shown by "one-of-a-kind" crystals formed in space. NASA already has a series of good pictures from Skylab and undoubtedly will make use of the first Spacelab flight for more.

On Skylab I, astronaut Pete Conrad memorialized such crystal formation by discovering that, "Hey, it's blowing a bubble," as he watched a crystal form in an experiment designed to explore the effects of "containerless" solidification of particular metals.

Various nickel alloys (with tin, silver and copper) were melted by an electron beam gun, then allowed to solidify in zero g. Most of them detached themselves from their "pedestals," and solidified while floating free. However, some of them did not—and in research terms this particular experiment might not have been considered an overall success. Instead, in the serendipitous way whereby pure science often leads to something else, if followed out of scientific curiosity or simply in events themselves some of the nickel-silver samples formed INTERNAL voids, unheard of on earth. And one or two of them bubbled up to call forth Conrad's reaction.

Subsequent analysis showed that at the temperature and pressure of the experiment, a metallic gas might be expected to evolve from the alloy, but it had never happened on earth—so the process had never even been named. This particular experiment was not repeated on Skylab flights, but became part of a larger study of "containerless processing."

Since with the lack of gravity, things remain pretty much where they are placed, metals can be "worked" without enclosing them in a container. This results in ease of handling and less contamination than is almost always present in crucibles. Also, for many refractory and reactive materials, there are no crucibles available that can with-

stand temperatures necessary to the "melt" (melting temperature and phase transfer) of such reactive materials. Consequently, this way of achieving solidification is ideal for such materials.

(The extensive attainable vacuum and the abundance of solar energy also enhance vacuum melting in space.)

Solidification depends on a basic attribute of weightlessness that practically eliminates gravity-driven convection. Convection is the transference of heat through a liquid or gas by the actual movement of the fluid—or, as Dr. Bredt puts it, "why heat rises," and causes liquids to bubble and then evaporate. Since the densities of fluids are thus temperature-dependent, reduced convection leads to a reduction in liquid mass transfer—a possibility that has many practical applications of control of solidification processes.

On an orbiting space station—that permanent laboratory envisioned via later Space Shuttle hauls to and from space—conceivably a small manufacturing plant could be set up to treat metals, create alloys, and go further with the search for more useful materials formed with alloys. Density differences in two "inmiscible"—or non-mixing—metals can be overcome to allow them to melt and meld.

One experiment already scheduled for the first Spacelab flight is one called a "drop dynamics" project. (It is a good example, says Dr. Bredt, of a project that has been refined and studied between Skylab and Spacelab by a series of ballistics rocket flights like the Black Brant flights at White Sands Missile Range. These provide about five minutes of low gravity during "coasting." NASA "buys" three of these a year and uses them to plan further, longer-term space studies.)

The drop dynamics experiment module was designed and built by the Jet Propulsion Laboratory responsible for the unmanned science—or part of it—that was on the Viking mission. The module will have a resonant chamber in which acoustic "standing" waves can be "excited" electronically. Radiation pressure formed by the force of these waves will be used to place and manipulate a liquid drop and watch its action. This is called, in the technical jargon NASA uses, a "levitation" apparatus.

Levitation melting is a lab technique used for very small quantities of metals on earth. In space, however, with the possibility of contamination-free and crucibleless melting, much larger quantities of metal can be cast with only small forces to correct the "drift" to the earth-container wall.

Drop dynamics may also have important contributions to make to the sciences of nuclear physics, meteorology and fluid management in space. Dr. Bredt lists improved beryllium crystal production, needed for neutron spectrometers, and the possibility of making hollow glass "balloons" useful in laser fusion. Laser fusion is one of the alternative methods (to magnetic fields) of achieving the heat and containment necessary to the process of nuclear fusion—a 21st century possibility for cheap, safe and abundant energy for electricity, once the 20th century technology is established as feasible.

(It also has led to such intriguing titles as the "International Colloquium on Drops and Bubbles" held in California several years ago as JPL got started with NASA on this research.)

One of the pure research fields tabbed by NASA's Office of Space Technology (OAST) as experimentation to be done in space is the entire field of fluid dynamics. Basic research in this area can lead to improvements in the action of foams and aerosols, to studies in hydrodynamic instability, and to better knowledge of two-phase heat transfer (one of the basic studies in mechanical engineering as applied to sources of energy and mounting costs.)

A minor type of alloy manufacture, also to be studied further on Spacelab, is the solidification of such "eutectic" alloys as copper-aluminum. A eutectic alloy is one in which the liquid phase of transfer freezes to form two solids simultaneously. The second phase of the alloy formation consists of "rods" that act as a fiber-strengthener. On earth, the rods are short because of cutoffs caused by convective stirring. In low gravity casting, the rods grow to be continuous throughout the structure, allowing for reinforcement and mechanical strength in structural alloys. This in turn makes possible the optical fibers that form light guides for laser communications.

Historically, materials processing in space has already caused small revolutions in ways to improve liquid diffusion of zinc and allow "exothermic" brazing of the internal structure of nickel. On the Apollo-Soyuz flight in 1975, studies were carried out on surface-tension induced convection in lead, on synthetic semi-conductors, and on homogeneous solidification of managanese bismuth, a high-strength permanent magnet material.

It was on the Apollo-Soyuz flight also (ASTP for Apollo-Soyuz Test Program), which "capped" the Skylab program by allowing a rendezvous and docking mission between American and Russian astronauts and cosmonauts, that the only biomedical experiment managed by the materials processing division was done.

It was also the most immediately exploitable commercial type of project. NASA did the experiment at the request of the Abbott Laboratories, which has an ongoing research program in blood clotting mechanisms. It has a particular interest in mass culturing of kidney cells to make urokinase, an enzyme that can be used in controlling blood clots.

Experiments on Skylab had found that separation of components within certain materials could be done more easily in "null" gravity than in the heavier weight of earth labs. On ASTP, then, the astronauts conducted preliminary experiments which discovered a much bigger percentage of cells with urokinase—once a group of kidney cells had undergone such separation of components—than had ever been achieved on earth. The separation was done via electrophoresis, another type of process that seems to take place more easily and effectively in space.

DR. EULA BINGHAM, SCIENTIST, TAKES OVER EMBATTLED OSHA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. VENTO. Mr. Speaker, one of the achievements of the Carter administration has been to call topnotch Americans into positions of responsibility to carry out its mission of bringing competence and compassion to our Federal Government.

Members of Congress are well aware of the fact that the Occupational Safety and Health Administration—OSHA—has been under constant fire from all sides, almost from its inception in 1971. What many of us may not know is that Dr. Eula Bingham, a distinguished occupational health scientist from the University of Cincinnati Medical School, is now on board as the Assistant Secretary of Labor for Occupational Safety and Health.

Dr. Bingham takes over an agency which has been plagued with problems, but she comes to her job with the full blessing of both President Jimmy Carter and the Secretary of Labor, Ray Marshall, and the best wishes of the labor movement.

I am inserting several articles about Dr. Bingham, her background, her qualifications, and her views about OSHA in the RECORD:

DEPARTMENT OF LABOR—ANNOUNCEMENT OF INTENTION TO NOMINATE EULA BINGHAM TO BE ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH, MARCH 11, 1977

The President today announced that he will nominate Eula Bingham to be Assistant Secretary of Labor (Occupational Safety and Health). Ms. Bingham is an associate professor and associate director of the Department of Environmental Health at the University of Cincinnati School of Medicine.

She was born on July 9, 1929, in Covington, Ky. She received a B.S. degree from Eastern Kentucky University in 1951, and an M.S., in 1952, and a Ph.D., in 1958, from the University of Cincinnati.

Between 1951 and 1961, she was an analytical chemist with a Cincinnati chemical firm and also worked as a research associate and assistant.

Ms. Bingham has been at the University of Cincinnati School of Medicine since 1961 as an assistant professor until 1970, and an associate professor since then. Courses she has taught include physiology for engineers, functional histology and histological technology, and biological effects of air pollutants and chemical carcinogensis.

She served on the National Academy of Sciences' *ad hoc* Lead in Paint Commission in 1974–75; as Chairman of the Labor Department's Standards Advisory Commission on Coke Oven Emissions in 1974–75, and on the Labor Department's Standards Advisory Commission on Carcinogens in 1973

From 1972 to 1976, she served on the Study Section for Safety and Occupational Health of the National Institute for Occupational Safety and Health She was a consultant to the Panel on Vapor Phase Organic Air Pollutants from 1972 to 1975.

Ms. Bingham has served on the Food and Drug Advisory Commission of the Food and Drug Administration and on the Environmental Health Advisory Commission, Science Advisory Board of the Environmental Protection Agency since 1976. She served on the National Air Quality Criteria Advisory Commission in 1975–76.

Ms. Bingham resides in Cincinnati, Ohio

SENATE COMMITTEE QUESTIONS BINGHAM ON SAFETY AND HEALTH PRIORITIES

Eula Bingham, the President's nominee to be Asistant Secretary of Labor for Occupational Safety and Health, tells the Senate Committee on Human Resources that the success of OSHA "can't be measured in numbers of citations and fines." Testifying during nomination hearings March 15, she acknowledges that the solutions to the problems of occupational safety and health "have essentially eluded us" and adds that her first priority at OSHA would be "to enable it to fulfill the real potential of the Act."

Bingham, a scientist and professor of health, was nominated by President Carter on March 11 (1976 DLR 49: A-3). An announcement of her nomination had been expected for weeks after it was known that she had strong support from leaders in the labor movement and had been to a meeting

with Mr Carter. Shortly after the departure of Morton Corn as head of OSHA, Bingham began working at the Labor Department as a special consultant.

Human Resources Committee Harrison Williams (D–NJ) praised Bingham, and although there were references to the controversy surrounding OSHA, the questions posed to the assistant-secretary-designate were friendly.

Bingham identified four major areas of concern related to OSHA:

Remedying what she called a "lack of education" about occupational safety and health;

Increasing the number of trained personnel, namely industrial hygienists and physicians knowledgeable in occupational medicine;

"Breaking the logjam" of occupational health standards at OSHA; and

Simplifying the language of safety standards.

Bingham said she opposes excessive attention to details in standards, such as the correct construction of bathroom stalls or whether a hallway is an inch too narrow. "This isn't what the Act is about. It is a compassionate Act intended to save lives and prevent illnesses," she said.

In response to a question from Williams, the nominee promised to check personally on the progress of an OSHA-commissioned study of industrial talc aimed at determining the asbestos content for purposes of regulation. Williams said manufacturers and users of the talc had a right to know OSHA's intentions concerning the product as soon as possible.

Bingham said she was sympathetic and agreed the agency has an obligation "to take positions on the basis of the available evidence."

She also told Williams that there is a role for OSHA in the regulation of harmful pesticides like kepone and leptophos and promised a written reply on what the agency currently is doing in this area. "It is something of great concern to me because if there is going to be damage, it is irreversible damage" from these agents, she said.

Bingham added that an increase in the number of professionals working in safety and health was an indication of the growing concern with these areas nationwide. She said it was visible not only in industry but in government and labor unions as well.

Williams questioned her on the problems of violations which are repeated and said this was particularly serious with mining operations, "which might be coming to you folks." Williams referred to proposals which would give OSHA responsibility for safety enforcement in mines.

The New Jersey Democrat said there ought to be "a follow up, a stimulant" to ensure that mining companies do not repeatedly violate regulations, and added that he hoped new powers allowing the Government to close mines in such cases would succeed.

Senator Jacob Javits (R–NY) told Bingham she had "an extremely difficult assignment" and said that OSHA was one area where "the administrator is a decisive factor who can make or break the program."

CARTER CHOICE TO HEAD JOB-SAFETY AGENCY EXPECTED TO BE A WOMAN, EULA BINGHAM

WASHINGTON.—President Carter is expected to name a woman professor from the University of Cincinnati to head the government's job safety and health program, which he said he wants run firmly but with "sensitivity" to employers' problems.

Mr. Carter disclosed his intention to put a woman in charge of the Occupational Safety and Health Administration yesterday during a visit to the Labor Department, without saying whom he had in mind. But the nomination is expected to go to 47-year-old Eula Bingham, an associate director of the Institute of Environmental Health at the University of Cincinnati's medical school.

If confirmed by the Senate, she would fill what currently may be one of the toughest federal jobs, running an agency that has been under constant business and labor criticism since it was created by Congress in 1970. Many of OSHA's health standards have been challenged in court, and opponents in Congress have sought to chip away its authority. A three-judge court in Idaho recently ruled that federal safety inspections were unconstitutional: the ruling has been appealed to the U.S. Supreme Court.

The President told a crowd of about 1,000 federal employes in the Labor Department lobby that the job-safety program "has the best prospect of improving the lives of workers" of "all the beneficial legislation that has been passed by Congress in recent years."

"ENFORCE LAW RIGIDLY"

He said he wants to "enforce the law rigidly" with "no backing down on the concept." But he noted the program has drawn the "most adverse" reactions from business and said it should be run with a "minimum" number of regulations and a "maximum" amount of common sense.

His statement that he will nominate a woman to head OSHA drew applause from the Labor Department employes.

Mr. Carter's visit, and a second talk he made yesterday at the Commerce Department, were designed to quell the fears of federal workers about his plans to reduce the size and complexity of government. In his remarks, and in answering questions, he urged the workers to play an active role in streamlining the federal bureaucracy.

"I'm very serious about cutting down on excess regulations," he said, and in making Cabinet members read all regulations. But he assured his Labor Department audience he isn't "trying to abolish the preparation of regulations," adding: "I don't want any of you to be afraid of change."

ELIMINATE DUPLICATE FORMS

Mr. Carter said he hopes that Cabinet departments soon will agree to use the same federal information-gathering forms and to eliminate duplicate forms. He said he favors a greater voice for states and cities in administering federal programs and will meet with all 50 governors Feb. 28 to discuss the subject.

Later, at the Commerce Department, he told 2,000 employes that "it's time for us to root out" U.S. participation in the Arab boycott, which he termed a violation of "the constitutional rights of Jewish citizens" and "personally obnoxious to me."

Supporters of Mrs. Bingham for the OSHA job declare she is well-suited to step into the sensitive government job. "She is extremely competent, with a fantastic sense of humor, who is hard as nails," declares Sheldon Samuels, health director for the AFL–CIO's Industrial Union Department.

She has had considerable experience in dealing with the OSHA bureaucracy, having chaired an advisory committee that recommended stiff standards to control emissions from coke ovens in the steel industry. And she was a member of another advisory committee that drafted standards for controlling job exposures to cancer-causing substances.

Mrs. Bingham has a particular interest in the hazards women face at work. Last year she organized and helped conduct one of the first conferences on occupational hazards faced by women in the workplace. Much of her professional research has involved environmental health questions, particularly occupational cancer.

Despite her scientific background, some business groups fear that Mrs. Bingham lacks the administrative experience necessary to manage OSHA. Based on her committee's recommendations for stiff, expensive coke-oven controls—which were scaled down by the Labor Department—they're concerned she would be more responsive to complaints from labor groups than she will be understanding of the problems business faces in complying with federal safety and health regulations.

She would replace Morton Corn, who resigned as head of OSHA Jan. 20 to return to the University of Pittsburgh.

MARSHALL ASSURES UAW OF ACTION ON JOB SAFETY

(By Helen Dewar)

Labor Secretary Ray Marshall told the United Auto Workers yesterday that the Carter administration is strongly committed to simplification and vigorous enforcement of occupational health and safety rules.

Addressing the concluding session of a three-day UAW legislative conference here, Marshall acknowledged "a lot of trouble" with enforcing job safety rules in the past but said criticism shouldn't undermine the program.

In attempting to draw a distinction between the approach of the Carter administration and previous ones toward carrying out the Occupational Safety and Health Act of 1970, which seeks to enforce minimum standards for worker protection, he said:

"We believe in these laws and we're going to try to make them work. There have been people in the past who did not believe in them and therefore did not try to make them work. It's difficult to administer a law you don't really believe in."

At the same time, the government must be "practical and pragmatic" and not build up expectations that it can achieve more than is possible, Marshall said. Hence the government must simplify its safety and health regulations and then "try to really make them work," he added.

The program, administered by the Labor Department, has been criticized by industry as unduly burdensome and by labor as ineffectual. Marshall conceded that "some ridiculous things" were done under OSHA but said some of the criticism stemmed from an "organized campaign" to discredit the purpose of the program, which he described as "absolutely essential."

FEDERAL FINGERS IN TOO MANY PIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DERWINSKI. Mr. Speaker, Jack Mabley, a featured columnist of the Chicago Tribune, properly addresses the subject of Government intervention in his column of March 30. At a time when the President attempts to reform Government operations by reducing the size and scope of the Federal agencies and departments, his comments are especially appropriate.

Jack Mabley is not an "ivory tower" columnist. He has served as an official of a local municipality and speaks with practical experience. His article follows:

FEDERAL FINGERS IN TOO MANY PIES

(By Jack Mabley)

The storm had blown away, the sun was shining, and I was feeling good Tuesday morning—until I read the financial pages.

More big problems ahead. Too much wheat. Too much corn. No place to store the grain. Too much milk. Too much milk? Didn't the President just boost the price support to farmers?

What has happened to the law of supply and demand?

The government is repealing it, nibbling it to death.

In the last six months we've been swamped with poor-mouthing from the grain states. Drought, erosion, disaster, or too much rain. Always one or the other. So what have we got this spring? The biggest wheat surplus in two decades.

And there is literally no place to put it. The storage bins are already full, China and Russia don't want it. Bakeries can bake just so many loaves of bread. So they're going to stack it on the ground and put tarps over it and let the rats and weather eat it from the ground up.

The Secretary of Agriculture and his troops will find some way to make sure the farmers don't lose any money. They'll lend them money to build more storage bins or pay them to pile the wheat in their barnyards.

A milk surplus? The first thing I read in the new National Observer is "A fantastic glut of butter, cheese, and non-fat dry milk is piling up in Uncle Sam's larder. Milk output is bubbling to the highest levels in 23 years. . . . So are supermarket prices for these commodities going down? Hardly. They're going up—by U.S. Government decree."

You see, Carter made this promise to the farmers during the campaign. . . .

Recall the poor-mouthing from Florida when the frost hit the orange trees? Well, it turned out they had a three-month supply of o.j. sitting in cold storage, and the crops weren't severely damaged. But the price will go up in the stores.

Coffee . . . enough said.

I'm probably being incredibly naive in suggesting the country reached greatness when the law of supply and demand operated and the government was minimally involved in sticking its nose in everybody's business.

If there was a short supply of dairy products, prices went up, and more families went into dairy farming. If too many farmers produced too much milk, prices went down, and inefficient producers went into another line of work. The market, not the government called the shots.

There were hardships and injustices, but no system is perfect. The alternative is increasing government management, and it isn't working because we are locked into ruinous inflation and wide unemployment.

Government experts could destroy me in a debate—until we got to the checkout counter at the market.

Recently the Sunday Tribune carried a help-wanted ad for "PROGRAM ANALYST [Women's Activities Advisor]. The Agency for International Development has a need for someone to provide guidance and leadership to various programs concerned with enhancing the status of women in less developed countries, with particular emphasis on their participation in socio-economic affairs, their development as a human resource within the labor market, and their participation in trade union affairs."

Applicants were directed to a Washington federal agency. The pay scale is $28,725 to $37,347, depending on qualifications.

Eugene L. Kurowski, president of Central Business Administration, Inc., 2636 W. Marquette Rd., read this ad, cried a little, then shot off a letter to our two U.S. senators [unanswered to date].

Mr. Kurowski's firm employs the equivalent of 21.6 full-time people. Not one of them is paid a salary equal to that in the ad.

The company pays about $73,500 in payroll taxes. Half this amount will go to the person who wins the job in the ad.

"All our employes are skilled, technically qualified, trained, experienced, and productive," Kurowski wrote his senators. "The most frustrating thing I face daily is the knowledge that inflation continues to erode buying power. In the battle of inflation, we are the troops in the trenches.

"Our real enemy is the federal government, and in particular agencies like this. They add to federal deficit spending and their ill-conceived programs. In the war over inflation the biggest weapon against us is our tax dollar. Something is wrong."

And getting wronger by the day, Senators and Mr. Carter.

TRIBUTE TO RALPH F. DE MARCO, A MAN WHO SERVED THE PEOPLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BIAGGI. Mr. Speaker, on March 19, 1977, Queens County, New York City lost an adopted son, who became one of its great leaders. The Astoria section of Queens lost a community father. Their people lost a brother. I lost a colleague in service, who was my very dear friend.

Ralph F. DeMarco was a man of the people. He was part of their family and their neighborhood. His ideals were their example and his achievements were in part their own. He worked for the people. He guided them and provided for them. He served their needs and their causes. He represented his people. Their concerns were his. They were important and he did something about them. And he loved his people. He gave so unselfishly of himself to others. He was gifted with the goodness and the talents to do so.

Born in Italy in 1908, Ralph DeMarco was brought to his beloved Astoria at the age of 2. He was another immigrant who destiny placed among us. But Ralph DeMarco went on to accomplishment, and to touch and affect all who knew him and so very many others. He was to serve Astoria for over half a century. His life was replete with distinctions. He assumed many positions of honor, and was accorded the praise of his fellow men and women many times over.

Ralph DeMarco believed in civic duty. At an early age, he saw the necessity to organize and to lead, in order to render service to the nighborhood he valued and be of assistance to those in need. Just 24 years of age, Ralph founded the Taminent Regular Democratic Club in Astoria, which has become a fountain of development and progress for the community His attributes and abilities supported him through 22 years as the club executive member, and 23 years as their district leader. Mr. DeMarco went on to serve and lead the party he respected by becoming vice chairman of the Queens County democratic organization's executive board. He was holding that office and serving 60 thousand people as district leader at the time of his death.

Prompted by devotion to duty and dedication to civil service, Ralph DeMarco left a successful business to work as executive secretary to three presidents of the Borough of Queens. He gave a total of 12 years of service in that capacity. Ralph also capably served his borough as director of neighborhood community services. The city of New York had the benefit of his labor as deputy commissioner of the department of sanitation. He held nationwide stature as a delegate to the National Democratic Conventions in 1972 and 1976.

The Elks and the Knights of Columbus called him a brother. The governing boards of St. John's Hospital and Elmhurst City Hospital enjoyed his expertise.

Ralph had a special concern for our youth. He was particularly devoted to Scouting and the Scouts had much admiration for him. The Boy Scouts of America gave him their highest civilian award. The Queens County Boy Scouts accorded him their top honors for founding Troop No. 473, which is sponsored and supported by the Taminent Club.

The American Legion convention regarded him as the Outstanding Adult Scouter. He was also a member of the board of directors of the Boys Club of Queens County. District No. 1 of the Queensboro Federation of Parents Club, Inc., honored him with their annual community service award. Ralph DeMarco had made his mark, and so successfully, in many walks of life. He had given more of his adult years to public service than many people together experience in their lifetimes.

We know that the memory of Ralph DeMarco will live on in the hearts of all the people he cared about. We can take comfort in the fact that his legacy is preserved in the numerous opportunities and good works he was personally responsible for.

He will surely be missed. We hope that his like can come again.

We have the example of his virtue, and how he used it in life, to give us the inspiration to go on to finish his work. We have the fervent hope that he will be rewarded in the hereafter in at least equal measure to all that he gave to his brethren.

We appreciate that his spirit survives within his loving family. His devoted wife, Mary DeMarco, was the jewel of his life. We trust that God will shower her with His love and the strength to carry on as Ralph would want her to. His three daughters were so dear to him. Their pride should be so special in having shared so much of his love and example. His children's families were a source of great joy to him. He was so fond of them. The grandchildren gave him many happy and treasured moments. To all of them, Gloria and Ed Aloise, and their sons, Mike and Ed; Carol and John Scarno, and their children, Michelle, Drew, and Ralph; Jeanette and Daniel Longo, and their children, Daniel, Lisa, and Jay, we extend our warmest wishes that they will enjoy happiness and prosperity as Ralph DeMarco would have wanted.

May he truly be blessed and rest in peace. His work is done.

PERIODIC PHYSICAL EXAMINATION ACT OF 1977

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. COHEN. Mr. Speaker, I am very pleased to introduce legislation entitled "The Periodic Physical Examination Act of 1977."

Health care has become the second largest expenditure in the United States. During fiscal year 1976, $139.3 billion was spent for treatment after illness occurred.

Clearly, our country needs to give more attention to preventive medicine. Medical problems resulting from poor diet or careless behavior are all too common. Studies have shown that self-imposed risks—such as excessive eating, smoking, or drinking—are important underlying factors in each of the five major causes of death between the ages of 1 and 70.

Americans need to take more personal responsibility for their own health. Yet, many people lack the medical sophistication necessary to recognize key symptoms of illness and disease that, if diagnosed early, can be treated.

The periodic physical examination has long been recognized for its value in enabling the physician to identify health problems early enough to help the patient. A recent study concluded that annual checkups, directed at preventable diseases, can lower the mortality rates for those diseases by as much as 50 percent.

Although the main purpose of these exams is to discover potentially preventable diseases, exams that fail to find any medical abnormalities also provide comfort and reassurance to individuals concerned about their health.

Furthermore, regular checkups keep physicians aware of thier patients' medical histories while providing the patients with a means to discuss physical and emotional problems that have been bothering them.

Americans, however, give too little attention to this preventive measure. As rising health costs discourage many people from visiting their doctor periodically, people must be encouraged and motivated to take better care of themselves. My bill would help achieve that goal.

This proposal would first provide tax incentives for individuals to have periodic physical exams. The tax relief could come either by credit or deduction, depending on which option would benefit each taxpayer.

The relief would cover the taxpayer's expenditures for periodic physical exams, as well as that portion of the taxpayer's insurance premium attributable to this care, and would require such verification as the Secretary of the Treasury determines to be necessary.

The credit would be available for all appropriate expenses, in the amount of 20 percent of the total expenditures, subject to a limitation of $200 per family tax return, or $50 per individual, or the total tax liability of the taxpayer, whichever of the three is less.

The deduction, on the other hand, covers the entire cost of the examination up to a total of $500 per return, or $250 per individual, whichever is less. The deduction is an adjustment to gross income, rather than an itemized deduction. Nevertheless, if the taxpayer chooses to itemize, the expenses of the exam which exceed the limitations in this bill may be applied to the 3-percent adjusted gross income floor in computing additional medical deductions.

I hope that private insurance companies and employee health care plans will soon offer physical exams as a part of their basic health care package. Certainly, as we in Congress consider the issue of national health insurance, no program should be approved without a section dealing with physical examinations for all.

As a step in this direction, my bill also amends the Federal health care programs of medicare and medicaid to cover periodic physical examinations. The poor, the old, and the disabled encounter the greatest health risks in our society. Every step should be taken to assure that they receive periodic physical examinations.

In order for a physical exam to qualify under this bill, it must include those routine diagnostic or preventive health services which the Secretary of Health, Education, and Welfare determines to be reasonable and necessary for the maintenance of health, or prevention of illness in individuals. This may include the measurement of blood pressure, height, and weight; screening for tuberculosis, anemia, and common hearing and sight disorders; urinalysis; routine immunzation; and chest X-rays for individuals 20 years of age or older.

The expenses of the exam would qualify for coverage by medicare and medicaid, or appropriate tax relief, provided the exam occurred no more frequently than outlined in the statute. For example, an individual would be eligible for tax relief for the cost of one examination between the ages of 5 and 9, 10 and 14, 15 and 19. Beginning at age 20, this interval would be decreased as age increased until the individual reached 51. From that time onward, the individual would be eligible for tax aid for a physical exam every year. The interval between exams was drawn from information presented to the Subcommittee on Retirement and Employee Benefits of the House Post Office and Civil Service Committee when hearings were held on the subject in December 1976.

The exception to this routine would be for women of child-bearing age or older seeking gynecologic services. Women 14 years of age and older would be eligible on a yearly basis for a pelvic examination, pap smear, breast examination, and any other test determined appropriate by the Secretary of Health, Education, and Welfare.

The legislation that I am introducing today will encourage people to take preventive health measures by providing tax incentives for individual expenditures and coverage of these services under Federal health programs. This bill would not only help protect individuals from disease and premature death, but it would also help hold down the Nation's soaring medical bills.

It is unfortunate that our tax system is the only mechanism now available to encourage people to look after their own health. While it is not the role of the Government to dictate lifestyles, it is the proper role of the Government to educate our citizens and to promote good health aggressively. This bill provides an important step toward the goal shared by Congress, the administration, and the health consumer—a healthier life at a lower cost. Our entire society has a stake in the health of each individual. And we can best help those who help themselves.

THE NATIONAL ENERGY POLICY PARADOX

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. BROWN of California. Mr. Speaker, as the date of President Carter's energy message to the Congress approaches, many of us have been reminded of the many, varied, and complex issues which surround a national energy policy and program. The newspapers contain previews of this Presidential energy message every day, but these are obviously only bits and pieces of what must be a major package. One subject that has not been discussed, at least publicly, has been the need for a national policy to encourage decentralization of energy systems and energy policymaking, and the encouragement of small scale energy systems. This policy is clearly in the best interests of the Nation, yet it is not all clear to me how the Federal Government will encourage it. This is the national energy policy paradox.

There have been efforts to develop programs that would encourage regional diversity and small scale energy technologies. As one of those who has consistently argued for such programs, I must say that they have been resisted by the executive branch, at least in the past. Among the initiatives the Congress has taken to encourage decentralization and small scale technologies are proposals for States to administer Federal programs, as contained in the EPCA and ECPA bills, and proposals for State-run energy extension services, as contained in the fiscal year 1977 ERDA authorization bill. Also contained in the ERDA authorization bill is a small grants program for appropriate technology, in which I have some pride of authorship.

Another initiative is the solar energy package that many Members of Con-

gress have supported, where we attempt to encourage solar energy across the board in the agencies and operations of the Federal Government. Still other examples can be found in efforts to encourage small businesses, and local governments to enter the energy field. While this activity is commendable, it is still only a very small part of a national energy policy that has, at least up to now, emphasized large-scale, capital intensive, energy production facilities.

The most recent sign that Federal policy may be changing was contained in the announcement of a site for the Solar Energy Research Institute—SERI. This announcement stated:

> It has been decided that by far the most effective way to encourage widespread use of solar energy is through a regionally diversified effort.

This decision is a significant policy shift from past ERDA practices, and if applied to other energy technologies, could represent a fundamental shift in Federal policy.

One of the most articulate advocates of the decentralized approach is Amory Lovins, who is a widely published and quoted physicist who works with the Friends of the Earth. Because his arguments are quite convincing, I wish to place in his testimony of last December to the President's Council on Environmental Quality in the CONGRESSIONAL RECORD at this time.

The statement follows:

STATEMENT BY AMORY B. LOVINS, CONSULTANT PHYSICIST AND BRITISH REPRESENTATIVE, FRIENDS OF THE EARTH, INC.

(President's Council on Environmental Quality, hearings on "Environment and Conservation in Energy Research and Development" (Austin, TX), December 14–16, 1976.)

I can perhaps best contribute to these hearings not by using these brief opening remarks to describe the many simple, small-scale end-use and supply technologies that excite me, but rather to suggest how they can fit together, in a broader context of energy and social goals, to make a coherent policy greater than the sum of its parts. I should therefore like to summarize a hopeful view of our energy future on which many analysts of diverse views, in many countries, have recently begun to converge. The arguments are set out more fully in the October issue of Foreign Affairs and in a technical backup paper for the October Oak Ridge symposium. Reserving details for our discussion, I shall briefly sketch for you two hypothetical energy paths that a country such as this one might follow over the next 50 years. These paths are not forecasts nor precise recommendations, but rather a qualitative vehicle for ideas of broad international relevance.

Most governments still view the energy problem as how to meet the expanding needs of a dynamic economy. The solution normally proposed is "Strength Through Exhaustion"—that is, pushing hard on all domestic fuel resources, whether oil, gas, coal, or uranium. Increasingly remote and fragile places are to be ransacked, at ever greater risk and cost, for increasingly elusive fuels. These are then to be converted into premium forms—fluids and, increasingly, electricity—in ever more costly, complex, enormous, and centralized facilities.

The threat that this approach poses to the values, wild places, communities, and living things that many of us cherish—and even to essential life-support systems—is all too apparent. But it is only one of the reasons that this policy is unwise and unworkable. Another is that at least half our energy growth in the next few decades would be lost in conversions before it every got to us. The efficiency of the fuel chain would plummet. Moreover, while we would have superabundant electrical supply options, costing three-fourths of our total energy investment, we would still be seriously short of fluid fuels.

Even more pragmatically, this policy, even if it is technically and managerially and politically feasible, still cannot be pursued because it costs too much. This is because it relies on energy systems of extraordinary capital intensity. Building a complete energy system to deliver a new kilowatt of energy to your doorstep costs about ten times as much capital investment with synthetic-fuel or Arctic or offshore technologies as with the traditional energy technologies on which our society is built. Electrical technologies, especially nuclear ones, cost about a hundred times as much to build as those traditional direct-fuel technologies. The big, complex energy systems are thus looking increasingly like future technologies whose time has passed. In the US, just the next decade of the heavily electrified Project Independence would cost over a trillion of today's dollars. This would require the energy sector to consume its traditional quarter of all our discretionary investment—plus about two-thirds of all the rest. We couldn't even afford to build the things that were supposed to *use* all that energy—let alone the investments needed to employ all the people disemployed by energy-intensive black boxes.

Such a massive and inflationary diversion of resources into the energy sector would require a strong central authority with power to override any objections. Operating the unforgiving high technologies would require a bureaucratized technical elite, politically remote from the people they served. Even as political and economic power became more concentrated, the energy system's vulnerability to being turned off by a few people would increase, requiring stringent social controls. Centralized energy systems would allocate energy and its side-effects inequitably to different groups of people at opposite ends of the transmission line or pipeline, adding interregional conflict to the centrifugal politics of central authority versus local autonomy. Lest citizens somehow choose "wrong," democratic process would have to be replaced by elitist technocracy, "we the people" by "we the experts." Thus not only the economic but also the structural and political costs of traditional energy policy would prove unsupportable. And over all these threats would loom the transcendent threat of nuclear violence and coercion in a world dependent on international commerce in atomic bomb materials measured in tens of thousands of bombs' worth per year. The impact of human fallibility and malice on nuclear systems would, I believe, quickly corrode humane values and could destroy humanity itself.

There is, fortunately, another possible energy path that offers us an escape from these appalling problems: a path that is quicker, cheaper, more useful in dealing with inflation and unemployment, and environmentally and socially very attractive: a path of which I expect we shall be hearing much more under a Carter Administration. Such a path does not rest on the traditional belief that the more energy we use the better off we are. Instead it considers that energy is a means, not an end: hence that how much energy we use to accomplish our social goals is a measure less of our success than of our failure. We should seek to do the job with an elegant frugality of energy and trouble, using our best technologies to wring as much social function as possible out of each unit of energy we use. In this sense there is ample evidence that North Americans could at least treble (and Europeans double) their energy efficiency over the next 50 years or so. This could be done through technical improvements alone, or, for those who consider today's values and institutions imperfect, through some combination of technical and social changes. In poor countries too, the quickest and most practical way to improve well-being is often to increase the efficiency of such mundane devices as stoves, so that scarce fuels can be used to maximum effect.

Even in the most industrialized countries, such as the US and Japan, diverse and relatively simple technologies that rely on renewable energy flows would suffice, with no technical breakthroughs whatever, to meet virtually all energy needs in about 50 years. A substantial fraction—upwards of a third in the U.S, for example—could be met in this way by the turn of the century. In poor countries, and especially in the rural villages, the renewable technologies, adaptable and oriented toward real human needs, could have a profound impact even more quickly.

Surprisingly, these renewable energy systems would be cheaper than the big high technologies which we would otherwise have to use in the long run to do the same tasks, because renewable sources matched in scale to end-use needs do not suffer from the pervasive diseconomies of large scale. Big systems, for example, cannot be mass-produced; they have such expensive distribution systems that you are probably paying twice as much to have your electricity delivered as to generate it; they are often more unreliable (and most expensively so) than small systems; and, because of their long lead times, they suffer especially from interest, escalation, mistimed demand forecasts, and wage pressures. Big systems, incidentally, also magnify the likelihood and size of mistakes, and stifle innovation because they are too big for technologists to play with.

Moving to renewable, appropriate energy sources certainly does not imply building huge solar-electric stations in the desert or in space, and indeed need not imply any solar-electric systems of any kind, but only solar heat, conversion of organic wastes (chiefly from forestry and agriculture) to clean fuels for vehicles, and modest amounts of wind (mainly in non-electrical systems). Such simple, proven technologies, usable promptly without long development lags, plus our presently installed hydroelectric capacity, are all we need—*if* we match the quality of energy supplied to the quality needed for the tasks at hand. Some 58 percent of our end-use energy needs are in the form of heat, 34 percent below and 24 percent above the boiling point of water. A further 34 percent is liquid fuels for transport. The end uses that really require electricity and can use its high quality to advantage are only about 8 percent of all US end use. These limited premium uses are already so oversupplied that the US doesn't really need any central power stations at all! Electricity is a special, very costly form of energy: Americans typically pay already from about $50 to over $120 per barrel-equivalent for it, and will soon pay far more. Electricity is the last kind of energy we need more of, because we couldn't use more of it in ways that would let us get our money's worth out of it. It would have to be used inappropriately for low-grade purposes like heating buildings. That would be rather like cutting butter with a chainsaw—which is expensive, inelegant, messy, and dangerous.

I believe we can plan now for an orderly transition to living within our energy income, even with only those renewable sources that are already available at reasonable cost. Redirecting our effort at the margin will free

disproportionate resources, and will let us take advantage of the big systems we already have without multiplying them further. Matching energy supply in both scale and quality to end-use needs can then virtually eliminate distribution and conversion losses respectively. But this transition (or indeed any other) will take a long time—perhaps 50 years—so we must build a bridge to our energy-income economy by using fossil fuels (including modest amounts of coal), briefly and sparingly, to buy time. We know how to do this much more cleanly and efficiently than now, with technologies flexibly designed so that as the smaller renewable technologies come along we can plug them into an appropriately scaled infrastructure. I have particularly in mind cogeneration, district heating, fluidized-bed boiler backfits, and the smaller-scale coal conversion systems such as the flash processes and supercritical gas extraction.

Because the energy systems we need, both ultimate and transitional, are much smaller and simpler than conventional ones, they are quicker, cheaper, and more certain to work right. Their environmental and political costs are very low. A soft energy path, like any other, does entail substantial social problems in using pluralistic consumer choice of a myriad small devices and refinements to substitute in function for large, difficult projects under central management. But these problems can be addressed more pleasantly, more plausibly, and more consistently with traditional values than can the much more intractable alternative social problems of centrism, autarchy, technocracy, and vulnerability.

A "soft" energy path also promotes a world psychological climate of denuclearization, in which it comes to be viewed as a mark of national immaturity to have or desire either reactors or bombs. I believe that unilateral action by the US to encourage soft energy technologies at home and abroad, in tandem with new initiatives for nonproliferation and strategic arms reduction, could withdraw the political support without which foreign nuclear programs cannot survive, and could thus go very far to put the nuclear genie back into the bottle. But this shift of policy is urgent; we must stop passing the buck before our clients start passing the bombs.

The choice is indeed urgent. Every dollar, every bit of sweat and technical talent and political commitment, every barrel of irreplaceable cheap oil that we devote to the very demanding high technologies is a resource that we cannot use to pursue the elements of a soft energy path urgently enough to make them work together properly before our fossil-fuel bridge has been burned. In this sense, technologies like nuclear power are not only unnecessary but a positive encumbrance, for they foreclose other and more attractive options. The two energy paths, though not technically incompatible, are institutionally and culturally incompatible and logistically competitive. We must, with due deliberate speed, choose one or the other, before one has foreclosed the other or before nuclear proliferation has foreclosed both. We should use fossil fuels—sparingly—to capitalize a transition as nearly as possible straight to our ultimate energy-income technologies, because we won't have another chance to get there. Recognizing that no energy future is free of social problems, we must choose which kinds of social problems we want. And to gain a fuller understanding of the very wide range of choice available to us, we must work backwards from our long-term goals to see how to get there, so discovering the potential for radically different paths that would be invisible to anyone working forwards in time through incremental ad-hocracy.

I believe that the soft path would be largely self-implementing through ordinary market and social processes once we had taken a few important initial steps, including removing familiar non-market institutional barriers to conservation and soft technologies, resubsidies now given to fuel and power sectors, moving the more than $10 billion a year in vigorously enforcing antitrust laws, and pricing energy at a level consistent with its long-run replacement cost by means of a severance royalty. Phasing in these measures can, I believe, be both equitable and beneficial to the economy.

I do not pretend that such steps will be easy; only easier than not taking them. But if properly handled they can have enormous political appeal, for the soft energy path, rather than trading off one constituency against another, offers advantages for everyone: jobs for the unemployed, capital for businesspeople, environmental protection for conservationists, enhanced national security for the military, opportunities for small business to innovate and for big business to refit, exciting technologies for the secular, a rebirth of spiritual values for the religious, world equity and order for globalists, energy independence for isolationists, civil rights for liberals, states' rights for conservatives. Though a hard energy path is consistent with the interests of a few powerful American institutions, a soft path is consistent with far more strands of convergent social change at the grassroots. It goes with, not across, our political grain.

Unfortunately, few ERDA officials are equipped to consider soft-path concepts, for their paradigm rests not on the thermodynamic structure of end use but rather on assumed energy—GNP correlations (which responsible energy modellers now consider fictitious). ERDA still does not even acknowledge that paths can be exclusive: the official position is that we can and must do everything at once, even though ERDA's own scenarios show the contrary, and manifestly any choice of RD&D priorities retards some options while advancing others.

In a recent critique of my *Foreign Affairs* paper, ERDA inexplicably clings to these bizarre remnants of ERDA-48 while conceding that decentralized energy systems deserve in-house study (which I am helping to set up), that small transitional coal technologies have been slighted, and that central electrification has been overemphasized. These concessions are welcome, but have come at a glacial pace. ERDA still lacks staff able to appreciate scale issues and end-use orientation. It might therefore be useful for me to sketch some of the changes I would like to see in ERDA during 1977:

1. Slim down the agency to the activities its title describes by putting bomb production in the Department of Defense, civilian materials production in an independent agency, and bomb research somewhere else (perhaps the Arms Control and Disarmament Agency, and certainly not the University of California).

2. Reorganize the ERDA administrative branches by thermodynamic category of end use rather than by technological sector.

3. Decentralize the ERDA working divisions across the country.

4. Replace nearly all the top three layers of ERDA officials.

5. Drastically reduce ERDA overheads, not only internal but external: for example, a friend in the fluidized-bed business reports that just responding to an ERDA RFP would have cost him $2 million, more than it would have cost to build the device.

6. Shift emphasis (within or outside ERDA) in many areas, including fluidized-bed combustion, from research and development to demonstration and application. ERDA is currently retarding, rather than speeding, commercialization of some important systems.

7. Redirect resources devoted to fission (except work on the terminal phase of the program), space-satellite solar systems, and other obvious turkeys, and reduce many programs (such as fusion, big coal-gas plants, solar-thermal electric, and MHD) to a much lower level. I expect that with greatly increased emphasis on conservation and soft solar technologies, the resulting ERDA budget would total perhaps $0.5–1 billion.

8. Try to shift ERDA's emphasis from complexity to simplicity. This will entail a shift of contracting away from large war and aerospace corporations, which will have to find ways of recycling themselves without ERDA bailouts. An example of what worries me here is the way Boeing-Vertol is building subway cars in Boston. Their first design for a door had 1300 parts. With difficulty they sweated this down to about 300, and there is a small chance that the doors might work, but the technologists have just become so sophisticated that they can't design a door any more. The real centers of innovation for the kinds of systems we need are now small groups and individuals, not high-technology corporations.

9. Make sociopolitical assessments of proposed technologies as integral a part of ERDA's planning process as environmental assessments are supposed to be.

10. Open the entire ERDA process to the public in a substantive rather than merely a formalistic way.

11. Set up a ratproof procedure for monitoring dissent within ERDA so as to prevent the suppression of uncongenial views and of differing perceptions of what the energy problem is.

12. Greatly strengthen ERDA's interagency, State, local, and grassroots liaison while removing ERDA's improper (and probably illegal) promotional role.

13. Emphasize work on scale issues by appointing a Deputy Administrator for Small Systems, with special responsibility for making ERDA staff think about scale, centralization, electrification, and associated sociopolitical issues.

14. Severely restrict ERDA's use of elaborate computer models, most of which are fatuous or irrelevant or both. All the really important policy questions facing ERDA today can probably be addressed for less than $10,000 each on the back of a large envelope.

15. Reconsider the role of the 100,000-odd employees of the National Laboratories and of the appropriateness of running those labs via universities and corporations as at present.

16. Reconsider whether ERDA is necessary.

In such brief remarks I cannot do justice to the richness of the technical background, but only suggest some holistic perspectives that ERDA now lacks, to the detriment of its mission. I hope, though, I have conveyed the impression that the basic issues in energy strategy, far from being too complex and technical for ordinary people to understand, are on the contrary too simple and political for experts to understand. Only by concentrating on these simple, yet powerful concepts can we learn, as Robert Frost did, that taking the road less travelled by can make all the difference.

BALANCED AUTO EMISSION STANDARDS: DINGELL-BROYHILL AND RIEGLE-GRIFFIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. DINGELL. Mr. Speaker, Congressman BROYHILL and I are providing Mem-

bers of Congress with detailed rationale supporting the schedule of clean air automobile emisson control standards contained in H.R. 4444, Mobile Source Emission Control Amendments of 1977, the Dingell-Broyhill bill.

We are seeking, along with over 80 cosponsors of our bill in the House, additional cosponsors to insure the enactment of reasonable, balanced, and achievable motor vehicle pollution control levels for the Clean Air Act. Inextricably linked to the standards contained in our legislation is the important factor of timing, that is, when can these standards be met so that autos can operate at our stringent levels without the performance of the car being impaired while autos reach mandated improvements in auto fuel economy. Important to this timing factor is that emission control technology be in place and available to manufacturers, technology that will not drive the cost of purchase and maintenance for consumers beyond affordable prices.

The cosponsors of H.R. 4444, and identical House bills, believe the following schedule and timetable of emission standards, and rationale for these standards, would insure balance to achieve environmental, economic, and energy conservation goals. Supporting us in this effort are the United Auto Workers, AFL–CIO, the automobile manufacturers, dealers, suppliers and distributors, parts manufacturers, parts retailers, parts suppliers, and repair garages along with numerous automobile and transportation associations, investment houses, and air, water, and ground carriers. We also are seeking support in the Senate to the identical companion bill to H.R. 4444, S. 919, as introduced by Senators DON RIEGLE and ROBERT GRIFFIN.

The rationale for our legislation follows:

RATIONALE FOR AUTOMOBILE EMISSION CONTROL STANDARDS IN THE DINGELL-BROYHILL (H.R. 4444) AND RIEGLE-GRIFFIN (S. 919) MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977 TO THE CLEAN AIR ACT OF 1970

	gpm
Hydrocarbons HC	
1978–79	1.5
1980–81	0.41
1982 and thereafter	0.41
Carbon monoxide CO	
1978–79	15.0
1980–81	9.0
1982 and thereafter	9.0
Oxides of Nitrogen NO_x	
1978–79	2.0
1980–81	2.0
1982 and thereafter	1.0–2.0

1978–79 STANDARDS

Each of the auto emission schedules approved in legislation during the 94th Congress by the Senate, the House, and the Conference Committee provided for standards of 1.5/15/2.0 for 1978 models. Congress recognized in the 1976 Conference Amendments to the Clean Air Act that the statutory standards required by the current law for 1978 models were unnecessarily stringent and infeasible. Both government agencies and the motor vehicle manufacturers reasonably assumed that the emission standards for 1978, as agreed to by the Conference Committee, would become the applicable emissions standards when the Clean Air Act Amendments were passed by the 95th Congress.

With respect to 1979 standards, the yearlong certification proces for the 1979 models will begin in mid-summer of 1977—just three months away. All the lead-time problems which faced the industry for upcoming 1978 models are almost upon the industry for 1979 models. Therefore, the public interest, business and labor will best be served by an extension of the 1977 standards through the 1979 model year. Also, keeping standards of 1.5/15/2.0 for 1979 would allow the nation to continue to maximize fuel economy gains. It is essential that the standards be set for at least two year intervals to ensure certainty in the manufacturing cycle.

1980–81 STANDARDS

Autos already have made major contributions towards obtaining clean air goals. As older cars are replaced with new, cleaner burning cars, the pollution clean up by autos rapidly progresses.

Beyond 1979, as the domestic and foreign manufacturers have recently testified at Congressional hearings, the disadvantages in meeting excessively stringent standards include fuel economy penalties, higher costs to the consumer (increased equipment and maintenance costs), and at least initially, poorer driveability of and performance and reduced model availability. The impact of these disadvantages, which would result if auto emission standards were too stringent or tighter than the Dingell-Broyhill/Riegle-Griffin standards, must be weighed against the fact that analytical data available shows there also would be statistically insignificant improvements in the nation's ambient air quality. Congress has previously agreed that the statutory standards must be changed. New standards must truly be cost-beneficial and implemented at the proper time when advanced automotive emission control technology is available.

For 1980 and subsequent models, hydrocarbons (HC) will be controlled at the .41 gpm level called for by current law. The Federal Motor Vehicle Goals Study, or "300 Day Study," shows that it would make very little difference in air quality gains to wait the year or two it would take to integrate technology which would alleviate the fuel economy penalty in moving to more stringent hydrocarbon control. However, of the three pollutants, automotive hydrocarbon emissions are strongly implicated in smog formation; and if any clean-up should be accelerated, it is agreed that hydrocarbon control should be given the priority, as it is in the Dingell-Broyhill/Riegle-Griffin bills.

The carbon monoxide (CO) standard for 1980 and subsequent models should be 9.0 grams/mile. The recent "300 Day Study" of the Department of Transportation shows that air quality goals can be met and exceeded with this standard, and that minimal improvement would result from the statutory 3.4 gpm standard. For example, as compared with 1971–73, projected 1990 air concentration levels of CO would be 80 percent lower with a 9.0 grams/mile standard, or 83 percent lower with a 3.4 grams/mile standard. On the other hand, imposing the lower standard would put a particular burden on cars with small engines, and those are the ones that will be needed to achieve desired fuel economy goals. It should also be noted that use of a more stringent standard is not an effective way to solve the problem of cars which are not properly maintained in use, and thus emit high CO levels.

The 9 grams per mile carbon monoxide standard reflects recent evidence that today's California carbon monoxide standard of 9 gpm, which has been adopted by the California Air Resources Board for the long term, is more than adequate to protect public health. This is significant, because this CO level permits the operation of three-way catalyst technology to achieve low NOx levels while still providing more fuel-efficient operation.

1982 AND THEREAFTER STANDARDS

With regard to NOx, the ultimate level which represents the best tradeoff between fuel economy and air quality will fall within the 1 to 2 gram per mile range. Not enough is known at this point to specify the precise standard. Therefore, the Administrator of EPA would be given the authority to adjust the standard within this range. There is substantial argument over what level of NOx control is needed for public health reasons. When vehicles are controlled to levels as stringent as 2 grams per mile NOx, as they are today, stationary sources become the major NO_x emitters. The Motor Vehicle Goals or "300 Day Study" identified five strategies to control NOx in the atmosphere, each of which would be more cost-effective than reducing auto emissions below 2 grams per mile.

There are many unsettled questions regarding the control of oxides of nitrogen (NOx). Recent technological developments (such as those used by Volvo) indicate that the recommended level of 1.0 grams/mile can be achieved, but considerable additional work is needed if that technology is ever to be made sufficiently applicable to a wide range of cars. In fact, there is some question whether that standard will actually be needed to protect public health. Therefore, the EPA Administrator should be given authority to revise the NOx standard, up to 2.0 grams/mile, unless he determines that would endanger public health.

NOx control also presents special problems for many engines, such as diesels, which can help conserve energy. Thus, the identical Dingell-Broyhill/Riegle-Griffin bills propose that the EPA Administrator could permit a NOx level up to 2.0 grams/mile for specific categories of cars if that is necessary for them to achieve substantial energy savings. Here again, the higher NOx level would not be permitted if the Administrator determines that would endanger public health.

SOLAR ENERGY AND INDUSTRIAL PARKS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. PATTEN. Mr. Speaker, solar energy has thus far been generally associated with residential homes and not with large-scale industry and generating stations. Mr. David S. Steiner of the Sudler Construction Co. and Bell Laboratories are doing something to change that association.

Mr. Steiner, at an environmental awards luncheon, announced a proposal submitted to ERDA which would develop solar heating for the Bell Laboratories building in the 287 Industrial Park in Piscataway, N.J. This is an exciting plan and if successful, could lay the groundwork for the utilization of solar technology in industrial buildings.

I commend to my colleagues the remarks of Mr. Steiner on the environment, energy conservation and the role of the industrial park in those areas. Also to follow is an article which appeared in the Home News on the proposal:

REMARKS MADE BY DAVID S. STEINER

Over the years we have worked at our business, often in the belief that our best efforts will be recognized, not by our peers or investors, but by the communities where we operate.

As many of you know the Sudler Companies operate in 14 states, and we have learned that many jurisdictions have many differing views of what we are trying to do or what we are doing.

I think we all remember when an industry moved into town after finding a piece of land near the railroad tracks for its factory and began life in the community by stoking up its furnaces, tossing a layer of ash over the entire area and called it prosperity.

By contrast, today, if one comes to town, it has to deal with all of us, and once it starts up, it takes a lot of advertising to let potential work force know jobs are waiting in their hometowns.

We earnestly try, in these sometimes complicated times, to find the keys that open doors to a better future for all of us, and our effort in Piscataway, we think is a landmark.

A yardstick by which all future office and industrial parks will be measured.

The industries of today have become part of the total landscape without marring it for the clustering of industries in a controlled environment, in a campus setting which makes them good and attractive neighbors, is a far cry from what once was.

That we have in some measure succeeded in achieving our goal to bring a valuable asset to the Piscataway community; let me repeat, is a sign of our coming of age.

A sign that private industry, business and financial interests and local government have led the way to discovering we are not antagonists, but good neighbors working for a common goal.

In sense we are creating a new ecological system where each element contributes to the health and growth of the others, and in that environment we all prosper.

Candidly I must admit we sometimes differ, but because we believe in what we are doing, because we believe our office and industrial parks are assets to the communities and to their economic viability, we persevere.

Seriously, I believe we are on the threshold of a new day, for those of you who won awards for sharing our concerns for environmental planning.

There can be no denying the significant contributions you are making by bringing your expertise in your fields to save the land, water and the air we breathe.

As pragmatists you understand the price exacted by any type of progress and have said you are willing to foot some of the bills.

Up to now there has been an understandable difference between environmentalists; governmental agencies and we in the private sector, especially as developers, builders and financiers.

Events have narrowed our options so we cannot any longer ignore what the other is doing and let them go it alone.

The last meeting of the OPEC nations and their decision to once more raise the price of oil emphasizes how defenseless we are as our energy needs continue to climb faster than the prices.

Here in the Northeastern United States, and particularly New Jersey, which daily becomes more dependent on Middle East oil as domestic sources go to other markets, the problem becomes more acute.

It is imperative for us to find workable alternatives, so we cannot let government do it alone but must instead enter a creative partnership in developing alternatives to the reliance on dwindling energy sources.

We intend to become one of those partners with a project for utilizing solar heating in our Corporate Park 287 complex.

We have submitted a proposal to the United States Energy Research and Development Administration, in response to its request for demonstration projects, that would use the building presently occupied by Bell Laboratories Inc. as the test bed.

To date information on operation of solar heating has been sparse and generally limited to residential buildings, so to those of us in the industrial and office park field, a whole new body of information that does not exist will become available

Beyond the mechanics of the system is the added excitement of helping to play a part in solving national problems brought on by the present energy crisis.

The coin is more than two-sided, for our goals, individually, corporately, nationally, are to develop alternate sources of energy, to husband what we have and at the same time live in harmony with our world, and to be worried about the environment.

When through your collective efforts Corporate Park 287 won the award presented by American industrial properties report "for sound environmental planning" we knew it was a commitment to change.

Undoubtedly we will find other solutions as time passes and we learn more, but for the present, where saving even one gallon of oil is meaningful, we must be among the leaders, we must take the next step forward.

We have no other choice.

[From Home News, Jan. 13, 1977]

INDUSTRIAL PARK SEEKS SOLAR GRANT

(By Rudy Larini)

PISCATAWAY.—The Bell Laboratories, Inc., facility on Route 287 may become the model for the industrial application of solar energy in the northeastern United States.

The Sudler Construction Co., which built Corporate Park 287 in which Bell Laboratories is located, is the only industrial park in the Northeast to have applied for a portion of the $7.5 million to be distributed by the federal Energy Research and Development Administration (ERDA) for solar energy projects, according to a spokesman for the firm.

Former Morris County Assemblywoman Rosemarie Totaro, a consultant to Sudler, said some 300 applications have been submitted nationwide for the solar energy grants ERDA is expected to award in March. However, only four applications have been submitted by industrial parks, she said.

The Bell Laboratories project is expected to cost between $250,000 and $300,000 and is to provide heat for roughly a third of the 230,000-square-foot building. It also would supply about half the hot water needed at the facility, including that used in the cafeteria for the 1,100 company employees.

Plans for the solar energy project were unveiled yesterday when Sudler received an environmenal award from American Industrial Properties Report, an industrial development journal which annually chooses six industrial parks throughout the Nation which exemplify sound environmental planning.

The journal's criteria for the award include that the park be an asset to the community, architecturally pleasing and blend with its surroundings.

David Steiner, executive vice president of Sudler, urged the Federal and State Governments to approve pending legislation which would exempt the purchase and installation of solar heating systems from sales and local property taxes.

If the Federal Government approves the grant for Bell Laboratories, Steiner said Sudler would pay for the installation and Bell professionals would supervise the engineering maintenance.

Acceptance of the Federal grant would entitle ERDA to monitor the operation of the solar-heating system once a month for five years and use the results to encourage other industries to employ solar energy for part of their energy requirements.

Installation of the solar-heating system would take approximately six to eight months once the project is approved, according to Wayne Bonhag, a representative of the Solaron Corp. of Colorado, which manufactures the system.

Twenty-eight solar-heat-collecting panels, covering 5,600 square feet, would be installed on the roof of the Bell Laboratories building.

The system would use air rather than water as the heat-transfer medium, thereby eliminating the problems of corrosion and freezing.

The system is designed to provide hot water year-round and heat during the winter. The facility's existing electrical heating system would be used during periods of prolonged cloudiness, although the solar system would have a stone heat storage area underground.

DEPOSIT ON BEVERAGE CONTAINERS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. JEFFORDS. Mr. Speaker, the issue of requiring a deposit on beverage containers as a means of conserving energy and material resources, creating jobs, and bringing about consumer savings is one which is increasingly becoming the focus of attention by both the public and by various legislative bodies throughout the country. As my colleagues may recall, last November the citizens of the States of Maine and Michigan voted overwhelmingly for a beverage container deposit system, joining the States of Oregon, Vermont, and South Dakota, which have had similar laws for quite some time. Additionally, the EPA guidelines requiring deposit systems on all Federal facilities is being implemented shortly, having already started at Fort Knox with good success to date.

The degree of public acceptance of deposit systems is evidenced by a public opinion survey performed for the Federal Energy Administration which indicates that 73 percent of the American public is in favor of a national deposit system. Many State legislatures are now considering their own deposit laws, and the chances of passage are extremely good in many of them. An example is Massachusetts, where the proponents of this legislation recently received the endorsement of a group of the most prestigious economists in the country, including Nobel Laureates Paul A. Samuelson, institute professor and professor of economics at the Massachusetts Institute of Technology, and Kenneth J. Arrow, James Bryant Conant university professor at Harvard University.

I am submitting for the RECORD a listing and a statement issued by these distinguished individuals.

STATEMENT

We, the undersigned economists of Massachusetts, urge the passage of a bill before the Massachusetts Legislature that would

require deposits on beverage containers (S. 73). We strongly support the passage of this legislation for one or more of the following reasons:

1. Litter would be substantially reduced.

This conclusion is supported by experience in Oregon as a result of similar legislation.

2. Solid waste disposal costs would be lessened.

Returnable containers would result in substantial savings to our cities and towns. A bottle that is recycled represents a bottle that did not have to be disposed of.

3. It would lead to conservation of scarce materials.

A U.S. Environmental Protection Agency study has found that a national bottle bill would lead to an annual saving by 1980 of .5 tons of aluminum, 1.5 million tons of steel, and 7 million tons of glass. And the National Commission on Supplies and Shortages has recommended mandatory deposits on beverage containers.

4. It would result in savings of energy.

A study commissioned by the U.S. Federal Energy Administration (FEA) found that national bottle legislation would result in an annual saving by 1982 of approximately 150 trillion British thermal units. This saving is equivalent to some 73,000 barrels of oil daily.

5. Beverage prices would not increase.

While opponents of the bottle bill have argued that it would lead to an increase in effective beverage prices, a recent, well-documented study published by the Federal Reserve Bank of Boston concludes that an increase is unlikely and that, if it did indeed take place, it would be negligible. The FEA study supports this finding on a national basis. In addition, a 1975 League of Women Voters survey demonstrates that in markets where both refillable and nonrefillable beverage containers are available simultaneously, beverages in refillable containers are less expensive.

Furthermore, the Federal Reserve Bank of Boston study indicates that the bottle bill would have a positive impact on employment in the commonwealth, both in terms of number of jobs and payroll. Indeed, the study suggests that the introduction of nonrefillable bottles into Massachusetts led to a loss of jobs and also points out that the bottle bill might lead to the development of an in-state recycling industry. By contrast, the argument that this bill would be detrimental to Massachusetts employment, an argument not supported by evidence, has been set forth in propaganda largely influenced by out-of-state interests whose sudden devotion to Massachusetts employment should be questioned by any intelligent citizen.

We feel that the bottle bill will have a positive impact on the economy of Massachusetts.

Signed by:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Edwin Kuh, Professor of Economics and Management, Sloan School of Management.

Eli Shapiro, Professor of Management, Sloan School of Management.

Sidney S. Alexander, Professor of Economics, Sloan School of Management and Department of Economics.

Jagdish Bhagwati, Professor of Economics.

E. Cary Brown, Professor of Economics, Head of the Department.

Richard A. Cohn, Assistant Professor, Sloan School of Management.

Peter A. Diamond, Professor of Economics.

Rudiger Dornbusch, Associate Professor of Economics.

Franklin M. Fisher, Professor of Economics.

Harold Freeman, Professor Emeritus of Economics.

Ann F. Friedlaender, Professor of Civil Engineering and Economics.

Frederick L. A. Grauer, Assistant Professor of Finance, Sloan School of Management.

Robert E. Hall, Professor of Economics.

Jeffrey E. Harris, Assistant Professor of Economics.

Daniel M. Holland, Professor of Finance, Sloan School of Management.

Robert Merton, Professor of Economics, Sloan School of Management.

Franco Modigliani, Institute Professor, Professor of Economics and Finance, Sloan School of Management and Department of Economics.

Charles A. Myers, Professor of Industrial Relations, Sloan School of Management.

Robert A. Pindyck, Associate Professor of Economics, Sloan School of Management.

Jerome Rothenberg, Professor of Economics and Urban Studies.

Paul A. Samuelson, Nobel Laureate, Institute Professor, Professor of Economics.

Robert M. Solow, Institute Professor, Professor of Economics.

Lance Taylor, Professor of Nutritional Economics.

Lester C. Thurow, Professor of Economics, Sloan School of Management and Department of Economics.

Joel R. Yellin, Associate Professor of Social Science.

HARVARD UNIVERSITY

Robert Dorfman, David A. Wells, Professor of Political Economy.

Richard A. Musgrave, Harold Hitchings Beerbank, Professor of Political Economy.

T. C. Schelling, Lucius N. Littauer, Professor of Political Economy recipient: 1977 Frank E. Seidman Distinguished Award in Political Economy.

Arthur Smithies, Nathanial Ropes, Professor of Political Economics.

Jerry Green, Associate Professor of Economics.

Abram Bergson, George F. Baker, Professor of Economics.

Kenneth J. Arrow, James Bryant Conant University Professor, Nobel Laureate.

H. M. Polemarchakis, Instructor in Economics.

Rachel McCulloch, Assistant Professor of Economics.

H. S. Houthakker, Henry Lee, Professor of Economics.

H. Rosousky, Walter S. Baker, Professor of Economics, Dean of Faculty of Arts and Sciences.

James S. Duesenberry, William Joseph Maier, Professor of Money and Banking.

Charlotte V. Kuh, Assistant Professor of Education.

Dwight Perkins, Professor of Economics.

Charles J. Christenson, Professor of Economics.

DEPARTMENT OF ECONOMICS, TUFTS UNIVERSITY

Franklin D. Holzman, Professor of Economics.

Arthur Green, Assistant Professor of Economics.

Daniel Qunjian, Professor of Economics.

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Bart Ostro, Assistant Professor of Economics.

PUBLIC JOBS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for March 30, 1977, into the CONGRESSIONAL RECORD:

PUBLIC JOBS

A most challenging task confronting today's policymakers is the creation of 19 million new jobs in the next four years. Such a task is clearly risky, but the costs of failure are great. Apart from the personal tragedy of joblessness, each percentage point of unemployment means a huge loss to the nation's output of goods and services.

Maximum efforts must be made to create new jobs in the private sector even though it will take some time before an expanding economy provides jobs for all who want them. In the meantime public jobs programs will be necessary. There is, however, a heated debate on the effectiveness of such programs. Some persons argue that many of the 7.8 million Americans who are unemployed can be put back to work in this way. Others say that public jobs are no good.

The present job programs are aimed both at cyclical unemployment, which is caused by an economic recession, and at structural unemployment, which affects the untrained and unskilled even in good times. Cyclical unemployment can be reduced by economic stimulation, but structural unemployment requires special training and placement efforts.

These are the major federal jobs programs:

Public Service Jobs: Under this program, federal money is used to pay the salaries of workers on local and state government payrolls. Approximately $2.7 billion will be spent this year on some 310,000 such workers. President Carter has asked Congress to raise this sum to $3.4 billion and bring 290,000 more workers into the program.

Critics contend that public service jobs are "make-work" and are usually offered to persons who would have been paid by local and state governments anyway. They also point out that the wages (often about $3.40 per hour) draw unskilled workers away from the private sector. Proponents of public service jobs claim that these problems can be resolved with careful, long-range planning. The problem, thy say, is one of correlating the need for service with the supply of workers who require employment assistance.

Public Works Jobs: Under this program, $2 billion has been allocated to communities for the repair and construction of schools, municipal buildings, parks and other projects. President Carter has proposed an additional $2 billion. Besides improving community facilities, the program provides work in the hard-hit construction industry. The Congressional Budget Office estimates that between 16,000 and 46,000 workers are hired for each $1 billion spent.

Critics of public works jobs complain that it takes so long for projects to get underway that very little is really done to create jobs. They also point out that the jobs created go only to skilled tradesmen. Proponents of public works jobs contend that the economy benefits quickly even though the money is not spent immediately. They make the point that qualifying projects must be ready to begin within ninety days.

Countercyclical Assistance: Under the countercyclical revenue sharing program, funds are paid to localities with especially high rates of unemployment to be used in any way local officials choose. The theory is that the extra funds aid the local economy and keep the local governments from having to lay off workers. This $1.15 billion program is estimated to create or protect 40,000 to 77,000 jobs. President Carter has asked Congress for an additional $925 million to expand the program.

Training Programs: There are relatively few federal programs designed to counsel and train people and provide summer jobs. The existing programs include the Comprehensive Employment and Training Act, summer jobs for teenagers and the Job Corps. There are

also special programs for native Americans, migrant workers and Vietnam veterans. President Carter is proposing an expansion of the Job Corps and the creation of new programs to maintain and improve public parks and community facilities.

Aside from these programs, various tax incentives are also being suggested to encourage job creation in the private sector. There is, however, considerable controversy over the size and the nature of the tax credits. Furthermore, most of the experts agree that tax reduction is a very indirect and cumbersome way to create jobs.

Obviously there are many problems in putting the unemployed back to work, either directly on a government payroll or indirectly in other public or not-for-profit groups. Public service jobs are expensive and they do require some growth in the public sector. But with unemployment compensation now running about $17 billion a year, the choices are not quite so simple. Anything that can be done to get people off welfare and back to work has to be beneficial.

CHEMICAL WARFARE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. SCHULZE. Mr. Speaker, on March 21, I introduced a concurrent resolution with respect to a moratorium on the further production of lethal chemical weapons, including the so-called binary weapons, and the destruction of a specified amount of lethal chemical mustard gas. Joining me in this legislation are 25 cosponsors whose names appear at the end of this statement.

The resolution was also introduced in the Senate by the distinguished gentleman from Connecticut, the Honorable LOWELL WEICKER.

The response to the Schulze-Weicker initiative has been quite encouraging. Many have indicated their interest and support for this proposal. In fact, a very interesting article on this subject appeared in the March 25 issue of the Christian Science Monitor. I offer the article for inclusion in the RECORD.

[From the Christian Science Monitor]

TO HALT THE NERVE-GAS RACE

Is President Carter as serious as he seems about checking the arms race? If he is, he will take up the initiative of two congressional Republicans toward halting a particularly grisly part of that race—chemical weapons including the nerve gases that are freshly in the news.

Early in the week came a report of renewed Pentagon efforts to develop nerve-gas weapons and defenses against them in the face of a reported growth in Soviet nerve-gas capability. Then came the previously scheduled proposal by Senator Weicker of Connecticut and Representative Schulze of Pennsylvania for the destruction of a 3,000-ton stockpile of mustard gas as well as a three-year moratorium on the production of new nerve or mustard weapons.

No one should object to prudent research on defense against all possible weapons. But Mr. Weicker and Mr. Schulze are on the right track in calling on the United States to make a firm gesture of its sincerity in seeking an international ban on the production as well as use of chemical weapons. They call on both houses of Congress for a non-binding resolution urging the President for action on the moratorium. We call on the President to move ahead speedily on such a moratorium. (The U.S. already rightly subscribes to the Geneva Protocol against the first use of chemical weapons and to a later international instrument against both the production and use of biological weapons.)

During the three years—a period which would not present a threat to U.S. security—the Soviet Union and other countries would be challenged to give similar evidence of their sincerity in checking the chemical arms race. Third-world nations would have this example to discourage them in the proliferation of these weapons—a cheaper and tempting alternative to joining the nuclear club.

As Senator Weicker pointed out, the road toward nuclear control is long and hard. Chemical weapons control is on a smaller scale—so far—and is achievable. But not if no one takes the first step.

Mr. Speaker, if the United States is ever going to take the leadership role in total nuclear disarmament—as the Carter administration has pledged—it must direct initial efforts at a level where success is attainable. My resolution is an attempt to begin the process toward meaningful international agreements on arms control and disarmament. Today, there is a possibility to begin that process. We should make that possibility a reality. I invite my colleagues to join in this effort by cosponsoring this resolution.

The list of cosponsors and the text of the resolution follow:

LIST OF COSPONSORS

Mr. Schulze, Mr. Anderson of Illinois, Mr. AuCoin, Mr. Bedell, Mr. Blouin, Mr. Cochran, Mr. Corcoran, Mr. Coughlin, Mr. Drinan, Mr. Edgar, Mrs. Fenwick, Mr. Gradison, Mr. Hagedorn, Mr. Kastenmeier, Mr. Kostmayer, Mr. Leach, Mr. Lehman, Mr. Long, Mr. McKinney, Mr. Ottinger, Mr. Pattison, Mr. Pressler, Mrs. Schroeder, Mr. Simon, Mr. Vento, Mr. Walker, and Mrs. Meyner.

H. CON. RES. 185

A concurrent resolution to urge the President to reduce the risk of chemical warfare

Resolved by the House of Representatives (the Senate concurring), That the Congress finds that—

(1) the policy of the United States is not to make first use of lethal and incapacitating chemical weapons in war;

(2) in 1972 the United States signed the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and such Convention declared that "each State Party to the Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production, and stockpiling and for their destruction";

(3) in 1975 the United States ratified the Geneva protocol prohibiting the use of chemical and biological weapons in warfare; and

(4) the United States supports the continuing negotiations being conducted by the Conference of the Committee on Disarmament toward this end of an effective chemical weapons treaty.

SEC. 2. It is the sense of the Congress that—

(1) the President should declare a moratorium of three years on the further United States manufacture of lethal and incapacitating nerve and mustard agents and the so-called binary agents;

(2) the President, as a sign of good faith to the world, should order the destruction of three thousand tons of lethal chemical mustard agents from existing United States stockpiles over the three years of such moratorium, and invite interested international organizations, such as the Conference of the Committee on Disarmament to send delegations to view the destruction process;

(3) the President should invite the Union of Soviet Socialist Republics and other nations which possess quantities of lethal chemical weapons to indicate their sincerity in seeking a chemical weapons treaty by following the example of the United States, and should urge the Third World Nations to refrain from seeking the introduction of chemical weapons into their arsenals; and

(4) the President should urge the participants of the Conference of the Committee on Disarmament to rapidly conclude an international treaty banning the manufacture and possession of lethal chemical weapons. Such a treaty, in order to be meaningful, should provide for the destruction of existing stocks and production facilities over a specified period of time. Such a treaty must also provide independent, international procedures for verifying the disposal of stocks and facilities, investigating and challenging suspect activities, and establishing on-site inspections.

SACCHARIN—WHO DECIDES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. COLLINS of Texas. Mr. Speaker, the common man and woman of the United States deserve to be heard. The saccharin ban edict marks another step toward loss of individual rights. Washington headlines human rights, yet the bureaucrats want to dominate and destroy the rights of each individual whether they live in Carrollton, Richardson, Farmers Branch, Plano, or Irving.

America was built on the independence of each person to think and decide for themselves. Yet step by step, law by law, regulation by regulation, the all-powerful Federal Government is deciding every move in a person's life.

If one of my neighbors in Dallas wants to use saccharin, I think he has the right to use it. If he wants to walk barefoot in the winter, that is his right. If he wants to walk to work, he should be allowed to do so. If he wants to eat saccharin instead of sugar, that is his right.

Last night I read an interesting one page editorial in this week's U.S. News & World Report. Written by Marvin Stone it asks "Why Ban Saccharin?" Here are some key sections:

How capricious does our Government intend to be—and how far can it be allowed to go—in limiting freedom of choice by individual citizens?

That question is at the heart of the controversy over saccharin, which the Food and Drug Administration proposes to ban because of evidence that it is a cancer-causing agent in force-fed Canadian rats.

Saccharin is the only noncaloric sweetener still legal in this country and is used by virtually every American—in tooth paste, soft drinks, canned fruits and vegetables,

gelatin mixes, candy, chewing gum, medicines.

Since its discovery in 1879, saccharin never has been known to produce cancer in humans, so it is not surprising that the FDA has fallen under attack as being arrogant, absurd, unscientific and irrational.

From the start, the whole saccharin mess has been surrounded by a hypocrisy on the part of the Government. What is wrong with allowing Americans to make themselves aware of the arguments for and against the use of saccharin and then leaving them alone to make a free choice—much as they now are free to make a choice whether to smoke tobacco or, for that matter, whether to take the risk of driving on highways that claim 45,000 lives a year?

Surely people in Washington have learned by now that, when common sense has fled from Congress and the bureaucracy, public outrage soon surfaces, and sometimes prevails. Prohibition of whisky, well intentioned as it may have seemed, failed as unenforceable. More recently, seat belts with ignition underlocks provoked a citizen revolt strong enough to force repeal.

Americans need not be treated like a mindless mass, with the most personal decisions stuffed down people's throats through restrictive legislation.

The proper approach with saccharin is to tell people in plain English what may be the risk of using it, and let the people decide for themselves whether the risk is worth taking.

WHAT AMERICA MEANS TO ME

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1977

Mr. ROSE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor a Voice of Democracy Scholarship Program in our Nation's secondary schools. This takes the form of a nationwide broadcast scriptwriting contest open to all 10th, 11th and 12th grade students. Contestants submit a 3 to 5 minute broadcast script recorded on a magnetic tape. This year's theme was "What America Means to Me."

Winners are selected from each State and this group then competes here in Washington for a $10,000 scholarship to the school of his or her choice and other scholarships ranging from $5,000 to $1,500.

I am very proud that this year's winner from North Carolina is Ms. Alfreda Jones of Maxton, N.C., in my Seventh Congressional District. Freda is the daughter of Mr. and Mrs. James A. Jones of Maxton. She is 17 years old, and an 11th grader at Prospect High School in Maxton.

The transcript of her winning broadcast script follows:

WHAT AMERICA MEANS TO ME

(By Alfreda Jones)

America—land of plenty, shelter for the insecure, refuge for the homeless; America—land of the free and home of the brave—lifts her mighty torch in salute to all those yearning to be free; those who served to make her great. Clad in her royal garments, she is an empire unto herself. Sure, she has had problems, inner struggles, turmoils, still America remains proud and erect. Founded on a base of freedom, America has moved steadily through some of the most trying times any nation has ever come face to face with and has overcome obstacles never thought conquerable. Through two-hundred years Americans have fought for the cause of freedom, struggling to maintain the respect due a great country by constantly striving to work for the betterment of its economic situation. I have a duty to aid my country in the many successful and unsuccessful experimental struggles in government, religion, the sciences, medicine and education.

America has remained a nation of struggles in a government for the people, of the people, and by the people. Such great documents as the Emancipation Proclamation, the Constitution, and the Bill of Rights have helped to form our present democratic government. I am proud to say that America has a government that is absolutely run by her people.

In addition to this, I take great pride and admiration in the courageous efforts of man to maintain his right to worship freely. Americans have nourished their religious beliefs to such an extent that they have survived through such confrontations as drugism, alcoholism, crime, and political manipulations, to name only a few. The trials and tribulations suffered and endured by religion are potent enough to ruin and destroy most organizations, but religion as a secular way of life is gradually becoming a stronger lifeline for Americans to hang on to. Due to the great missionary and evangelistic efforts of our nation, religion has become prevalent in many remote parts of the world; and in this we take great pride.

Furthermore, we as Americans, can enjoy the many battling advancements made in the numerous fields of science, one of which includes medicine. I find myself frequently looking back with amazement at the persistence of medicine to overcome and annihilate so many dreaded diseases in its endeavors for advancement. If only we as present day Americans could feel a small bit of the triumph that was felt when some of the most beneficial accomplishments were made, or the tragedy felt when so many hours and years of hard work were found to be useless in the end.

Can you imagine the will and determination that it took to pick up the pieces and return to the starting point with the knowledge that there might be a similar reoccurrence? This strong-willed determination and perseverance extended through all the various fields and phases of the scientific world. Fortunately, America had produced men who were willing to give untiringly of themselves if it meant some small contribution to the betterment of our great country.

Yet, I am still awesomely struck by the accomplishments and failures that education has encountered in its many experimentations to educate the masses of America. Educationally, America has truly advanced from the days of walking three miles to borrow a book• and inadequately heated schoolhouses—to the days of air-conditioned schools and books for everyone. Education is valued more highly now than ever before as a result of man's continuous yearning for knowledge of himself and the world around him.

A nation of rights, responsibilities, security, freedom, and liberty—a country exploring broader horizons in every aspect imaginable; millions of brave men and women, past and present; and all the events that have occurred because of them and their bold determination to improve the standards of our country—this is what America means to me; and for this I love you, America, for to me YOU are my life.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Monday, April 4, 1977, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

APRIL 4

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform of the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Banking, Housing and Urban Affairs
To continue markup on S. 69 and S. 92, to amend and extend the Export Administration Act.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine the status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development

To resume hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings to release an Office of Technology Assessment report entitled "Nuclear Proliferation and Safeguards."
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To hold oversight hearings on the administration of the Black Lung Benefits program.
Until 2:00 p.m. 4232 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold hearings on S. 961, to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes.
Until: 1:00 p.m. 2228 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

3:30 p.m.
Foreign Relations
To receive a briefing (in school session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
235 Russell Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Joint Economic Committee
To resume hearings on a recent study prepared by the University of Wisconsin on food chain stores' profits and prices.
318 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
S-407, Capitol

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 904, to establish a center within OMB to provide current information on Federal domestic assistance programs.
3302 Dirksen Building

Human Resources
To consider S. 855, to authorize funds for fiscal year 1978 for activities of the National Science Foundation S. 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Health Centers Act.
Until 11:30 a.m. 4232 Dirksen Building

Rules and Administration
To resume consideration of S. Res.'s 5 through 12, proposing several changes in the Senate rules, principally with regard to Rule XXII (cloture).
301 Russell Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

Special Aging
To hold hearings on the impact on older Americans of rising energy costs.
1202 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To hold a business meeting.
5110 Dirksen Building

11:00 a.m.
Select Ethics
Business meeting (open with immediate vote to get into closed session) to discuss committee organization.
1417 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear congressional witnesses.
1114 Dirksen Building

Banking, Housing and Urban Affairs
To hold a hearing on the nomination of Harold Marvin Williams, of California, to be a member of the Securities and Exchange Commission.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Subcommittee on Child and Human Development
To hold oversight hearings on extension of the Child Abuse and Prevention Treatment Act (Public Law 93-247).
Until 12:00 noon 4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
Until 3:00 p.m. 6202 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
424 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Rupert Cutler, of Michigan, Dale Ernest Hathaway, of the District of Columbia, and Robert Haldeman Meyer, of California, each to be an Assistant Secretary of Agriculture; to be followed by consideration of these nominations and that of Howard W. Hjort, of the District of Columbia, all to be Members of the Board of Directors of the Commodity Credit Corporation.
324 Russell Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of registered securities to keep accurate records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Energy, Nuclear Proliferation, and Federal Services
To continue hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Human Resources
Subcommittee on Labor
To continue oversight hearings on the administration of the Black Lung Benefits program.
Until: 1:00 p.m. 4332 Dirksen Building

Select Committee on Intelligence
Subcommittee on the Budget
To hold hearings on the question of public disclosure of funding levels authorized for Government intelligence activities.
2228 Dirksen Building

2:30 p.m.
Foreign Relations
Subcommittee on African Affairs
To meet in closed session to receive a briefing from officials of the Central Intelligence Agency on internationalization of local conflicts in Africa.
S-116, Capitol

APRIL 7

9:30 a.m.
Banking, Housing, and Urban Affair
To hold a hearing on the nomination of Chester Crawford McGuire, of California, to be an Assistant Secretary of Housing and Urban Development.
5302 Dirksen Building

Commerce, Science and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1019, to authorize funds for fiscal years 1978 and 1979 for certain maritime programs.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Select Intelligence
To hold a closed hearing on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Special Aging
To continue hearings on the impact on older Americans of rising energy costs.
1224 Dirksen Building

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dr. Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy.
5110 Dirksen Building

APRIL 8

9:00 a.m.
Government Affairs
To continue hearings on S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
Until: 5 p.m. 3302 Dirksen Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on national water policy in view of current drought situations.
4200 Dirksen Building

Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs.
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

Select Small Business
To hold hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Parks and Recreation
To hold hearings on S. 658, to designate certain lands in Oregon for inclusion in the National Wilderness Preservation System.
Room to be announced

Governmental Affairs
Subcommittee on Reports, Accounting and and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m.
Select Small Business
To hold hearings on problems of small business as they relate to product liability.
1202 Dirksen Building
Select Small Business
To resume hearings on S. 972, to authorize the Small Business Administration to make grants to support the development and operation of small business development centers.
424 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings to receive testimony in connection with delays and congestion occurring at U.S. airports-of-entry.
235 Russell Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 656, S. 918, and S. 1130, to amend the Consumer Protection Act to prohibit abusive practices by independent debt collectors.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on proposed fiscal year 1978 authorizations for the Nuclear Regulatory Commission.
4200 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

9:00 a.m.
Veterans' Affairs
Subcommittee on Housing, Insurance, and Cemeteries
To hold hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life insurance policies.
Until: 12 noon 6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

9:00 a.m.
Veterans' Affairs
Subcommittee on Housing, Insurance, and Cemeteries
To continue hearings on S. 718, to provide veterans with certain cost information on conversion of government supervised insurance to individual life
Until: 12 noon 6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 957, designed to promote methods by which controversies involving consumers may be resolved.
5110 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal government, are established.
3302 Dirksen Building

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the broadcasting industry, including network licensing, advertising, violence on TV, etc.
235 Russell Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To resume hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

MAY 26

10:00 a.m.
Government Affairs
Subcommittee on Reports, Accounting and Management
To continue hearings to review the processes by which accounting and auditing practices and procedures, promulgated or approved by the Federal Government, are established.
3302 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the cable TV system.
235 Russell Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

JUNE 15

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue oversight hearings on the cable TV system.
235 Russell Building

SENATE—*Friday, April 1, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Shed Thy light upon our work, O Lord, that at the close of day we may have no regrets. Save us from false choices and from artificial poses and pretensions. May Thy spirit find a dwelling place in our hearts where love reigns supreme and outlasts all transient thoughts and emotions. And may the Lord of the Passover and the Lord of Palm Sunday rule over us and all the nations of the Earth, to the glory of Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 7, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, March 31, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I advised the majority leader when we spoke of this matter just a moment ago that while until now I have consistently objected to committees meeting after that time when they are permitted under the rules to meet, since committees have the first 2 hours of the session to meet anyway, which would be until 11:15 a.m., and we turn to the final vote on this matter at 11:30; and since the only matter pending during the intervening time would be the amendment of this Senator, I have elected not to object to the meeting of committees today.

The ACTING PRESIDENT pro tempore. The Chair hearing no objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are several nominations on the Executive Calendar under "New Reports" that have been cleared on both sides. I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with "New Reports."

The ACTING PRESIDENT pro tempore. Without objection, the Senate will go into executive session to consider certain measures on the Executive Calendar starting with "New Reports," and the clerk will state the first nomination on the calendar.

SMALL BUSINESS ADMINISTRATION

The assistant legislative clerk read the nomination of Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration.

The ACTING PRESIDENT pro tempore. Is there objection to the confirmation of the nomination?

Mr. BAKER. Mr. President, reserving the right to object, there is no objection. For the information of the majority leader, the following nominations on the Executive Calendar, two under the Department of Defense and two under HEW, I also have no objection to.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of William James Perry, of California, to be Director of Defense Research and Engineering.

The ACTING PRESIDENT pro tempore. Is there objection to the confirmation of the nomination? Without objection, the nomination is confirmed.

The assistant legislative clerk read the nomination of David Emerson Mann, of Maryland, to be Assistant Secretary of the Navy.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.